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London: MACMILLAN & CO., Ltd.

# THE MINORITY OF HENRY THE THIRD

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LONDON . BOMBAY . CALCUTTA
MELBOURNE

THE MACMILLAN COMPANY
NEW YORK . BOSTON . CHICAGO
DALLAS . SAN FRANCISCO

THE MACMILLAN CO. OF CANADA, LTD.
TORONTO

# THE MINORITY

OF

# HENRY THE THIRD

BY

KATE NORGATE

MACMILLAN AND CO., LIMITED
ST. MARTIN'S STREET, LONDON
1912

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Richard Clay and Sons, Limited,
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I was set to work at the history of Henry III's early years by a letter from Thomas Andrew Archer which only reached me after his death. To his memory I dedicate this book.

4 *January*, 1912.

GIFT OF MRS. A. F. MORRISON MAR 27 '43

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*Filius non portabit iniquitatem patris.*

# THE MINORITY OF HENRY III

## CHAPTER I

### THE WAR WITH LOUIS

1216–1217

> Iniit ergo omnis multitudo pactum in domo Dei cum rege, dixitque ad eos Joiada: Ecce, filius regis regnabit.

ON the 19th of October, 1216, King John lay dead in Newark castle. 1216 Nearly half of his realm, including the capital, was in the hands of a foreign invader who was supported by a numerous and powerful section of the English baronage as well as by the citizens of London; and the sole surviving male representatives of the royal house of England were two boys, the elder of whom was but nine years old. The King had been cut off suddenly, at a moment when not one of his English counsellors was at his side; and the small body of troops which he had brought with him from the west consisted almost entirely of foreign mercenaries. It might well have been expected that these men would, as soon as the "landless king" was dead, transfer their services to his rival. But John had possessed that mysterious gift which seems to have been common to the whole Angevin house, the gift of inspiring a personal attachment out of all proportion to the merits of its object. These men, seemingly without any leader to direct their action, took upon themselves and faithfully and successfully fulfilled the duty of carrying into effect John's last wishes, so far as lay in their power, by conveying his

1216 — corpse across England from Newark to Worcester, and calling on the loyal barons to meet them there for the double purpose of burying the dead King and concerting offensive and defensive measures to secure the rights of his heir.[1]

John's last act had been to commend his eldest son to the care of the Earl of Pembroke, William the Marshal. "Sirs"—thus he is said to have addressed the few friends who stood around his death-bed—"I must die. For God's sake, pray the Marshal to forgive me the wrongs that I have done him. He has always served me loyally, and never requited me an ill turn for any evil that I have done to him or said to him. Sirs, for God's sake Who made the world, pray him that he will forgive me; and because I trust in his loyalty more than in that of any other man, I beg you that he may have my son in his charge, and always keep him and guard him; for the child will never be able to hold his land through any one, unless it be through the Marshal."[2] When the Marshal, who was at Gloucester, "heard say that the King his lord was dead, he was grieved thereat." He set out at once to meet the funeral train at Worcester; Gualo the Legate, who no doubt also was somewhere in the west of England, did the like; and a goodly company of clerks and knights were present with them at the burial. As soon as it was over, "the great men"—that is, probably, the Legate and the Marshal—hurried back to Gloucester, and sent out a summons to all those barons who held with the King to join them there without delay. The appeal met with a quick response; a council was held, and all present unanimously agreed that they should send for little Henry "and do with him what God should teach them to be reasonable and right." The child had been placed for safety in the castle of Devizes; Sir Thomas de Sandford was despatched to fetch him thence, and the Marshal went as far as Malmesbury to meet him.[3]

The heir of England was gifted with more than the ordinary attractiveness inherent in youth and innocence; he had a beautiful face, with golden hair, and he was already noted for a gravity and dignity of speech beyond his years.[1] A faithful retainer, Ralf of Saint-Samson,[2] was "carrying him in his arms"—that is, probably, holding him on the horse's neck before him—when, in the plain outside Malmesbury, William the Marshal met the little company coming from Devizes. The Marshal saluted the future King; "and the well-trained child said to him, 'Welcome, Sir! Truly, I commit myself to God and to you, that for God's sake you may take care of me; and may the true God Who takes care of all good things grant that you may so manage our business that your wardship of me may be prosperous.' 'Fair Sir,' answered the Marshal, 'I tell you loyally, as I trust my soul to God, I will be in good fealty to you, and never forget you, so long as I have power to do anything.'" The boy burst into tears, and the bystanders and the Marshal did the like "for pity."[3] 1216 —

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[1] Cf. W. Coventry, vol. ii. p. 232, and Rog. Wendover (ed. Coxe), vol. iii. pp. 385-6.

[2] *Hist. de Guill. le Maréchal*, ll. 15170-90. Cf. *Hist. des Ducs de Normandie*, p. 180.

[3] *Hist. G. le Mar.*, ll. 15207-57.

Most of the barons of the King's party were now at Gloucester, and anxious that the coronation should take place without delay. One, however, who ranked next to the Marshal in importance—Ranulf, Earl of Chester—had not yet arrived, and it was not without some hesitation that the others ventured to take so important a step in his absence. The urgency of the case however overcame their scruples and their fears of Ranulf's displeasure;[4] and on the eve of S. Simon and S. Jude—ten days after John's death—a council over which the Legate presided made the final arrangements for crowning the King the next morning.[5] At the last moment a question arose: who was to knight the boy? "Who should do 27 *Oct.*

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[1] "Quem gratia juventutis et innocentia cunctis reddidit amabilem, et venusta facies cum flava caesarie singulis favorabilem, sermo quoque maturus universis venerabilem." Mat. Paris, *Hist. Angl.*, vol. ii. p. 196.

[2] "Qui son meistre e son norriçon Out este e encor esteit," *Hist. G. le Mar.*, ll. 15263-4. These words seem to imply that Ralf was Henry's tutor, or teacher, but this cannot have been the case, for Ralf was only a man-at-arms, "*serviens*" (*Close Rolls*, vol. i. pp. 345 b, 362); no doubt, one whose proved fidelity to the late king had entitled him to be specially trusted to watch over the safety of the heir.

[3] *Hist. G. le Mar.*, ll. 15261-84.

[4] *Ib.* ll. 15287-305.

[5] R. Wend., vol. iv. p. 1.

1216 it," one of the assembly answered, "save he who, if we were a thousand here, would still be the highest and worthiest and bravest of all—he who has already knighted one young king[1]—William the Marshal? God has given him such grace as none of us can attain. Let him gird the sword on this child; so shall he have worthily knighted two kings." It was done; 28 Oct. and next morning the "pretty little knight, clad in his little royal robes,"[2] was led in solemn procession to the abbey church. Standing before the high altar, he recited, under the dictation of the Bishop of Bath,[3] the old traditional coronation oath: that he would, all the days of his life, maintain the honour, peace, and reverence due to God, His Church, and His ordained ministers; that he would render right and justice to the people committed to him; that he would abolish bad laws and evil customs, if any such were in the realm, and would observe good laws and customs and cause them to be observed by all men. He then did homage to the Holy Roman Church and the Pope for the realms of England and Ireland, and swore that so long as he held them, he would faithfully pay the thousand marks promised by his father to the Roman see. This homage must have been done to Gualo as the Pope's representative. It was followed by the crowning and anointing which made Henry king. This most solemn rite was carried out with as much of the customary ceremonial as circumstances permitted.[4] The Archbishop of Canterbury, who according to immemorial precedent should have performed it, was beyond the sea. Gualo alone had, as Legate, a right to take the Primate's place on such an occasion; but it seems that he tactfully declined to do so, and commissioned a member of the English episcopate to act in his stead, while he himself undertook the more ordinary duty of singing the Mass. The very crown was a makeshift, "a sort of chaplet"[5]—probably an ornament for a woman's hair, belonging to the Queen-mother. Under the sanction of the legatine authority Bishop Peter of Winchester, assisted by the Bishops of Worcester and Exeter, anointed the child and placed this improvised crown on his head.[1] 1216

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[1] Henry, son of Henry II.

[2] *Hist. G. le Mar.*, ll. 15306-24.

[3] M. Paris, *Chron. Maj.*, vol. iii. p. 1; *Hist. Angl.*, vol. ii. p. 195.

[4] "Cum orationibus et cantuum modulationibus quae in coronatione regum solent decantari," R. Wend., vol. iv. p. 2.

[5] "Sertum quoddam," T. Wykes, a. 1216.

When the service was over Philip d'Aubigné caught up the tired child in his arms, carried him back to his apartments, and caused him to be relieved of his heavy robes before proceeding to the hall where the coronation banquet was spread.[2] The company at the high table must have been a small one; besides the Legate, the Queen-mother,[3] and six bishops,[4] there seem to have been present at the coronation only six persons of sufficiently high rank to be mentioned by name in the chronicles of the time; the Earls of Pembroke and Ferrers, Philip d'Aubigné, John Marshal,[5] William Brewer, and Savaric de Mauléon.[6] There was however a considerable gathering of abbots and priors, and "a very great crowd" of lesser folk.[7] In the midst of the banquet a messenger made

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[1] The *Hist. des Ducs*, p. 181, and the Annals of Margan, Tewkesbury, Winchester, and Waverley, a. 1216, say that Henry was crowned by Gualo; the *Hist. G. le Mar.*, ll. 15329-31, says "Wales la messe li chanta, Li legaz, e sil corona, O li evesques qui la furent"; and the official letter written in Henry's name to the Justiciar of Ireland says he was crowned "by the hands of Gualo the Cardinal legate and the bishops then present" (*Foedera* I. i. p. 145). Probably, however, they all mean merely what is expressly, though awkwardly, stated by the Merton chronicler—"Coronatus . . . a domino Syvalone legato . . . assistentibus sibi domino Petro Wintoniensi episcopo qui eum inunxit et coronam imposuit capiti, ut dicunt" &c. (Petit-Dutaillis, *Vie de Louis* VIII., p. 514), and more clearly by the Barnwell annalist: "Imposuit autem ei manus ex jussu legati episcopus Wintoniensis" (W. Cov., vol. ii. p. 233). Roger of Wendover (vol. iv. p. 2) says Henry was crowned and anointed by Bishop Peter; Matthew Paris (*Chron. Maj.*, vol. iii. p. 2) that Peter of Winchester and Jocelyn of Bath crowned him; the Dunstable annalist (*Ann. Monast.*, vol. iii. p. 48) that he was crowned by Gualo's authority, but by the hands of the Bishops of Winchester, Worcester, and Exeter. Wykes's account of the coronation is obviously fantastic, except in one detail, that of the "sertum quoddam," which is no doubt correct, as certainly no real crown could be available.

[2] *Hist. G. le Mar.*, ll. 15333-46. This corrects the statement of R. Wendover, *l.c.*, "duxerunt regem . . . regalibus indutum ad mensam."

[3] *Chron. Merton*, *l.c.*

[4] Winchester, Worcester, Chester (or Coventry), Bath, Exeter, and Meath; see R. Wend., vol. iv. p. 1, *Ann. Wav.* a. 1216, *Ann. Dunst.* a. 1215, p. 48, and *Chron. Merton*, *l.c.*

[5] R. Wend., *l.c.*

[6] *Ann. Wav.* a. 1216. This Chronicle and Roger both add the Earl of Chester, but they are certainly wrong.

[7] R. Wend. *l.c.*

1216 his way into the hall and delivered to the Earl Marshal aloud, in the hearing of all, an urgent appeal for succour from the constable of Goodrich castle, besieged on the preceding afternoon by some partisans of Louis. Goodrich was only twelve miles distant, and the incident was naturally felt to be a bad omen.[1] Guided by a common instinct, all the little company around the King turned, as John had turned many a time, to William the Marshal as their one hope, and before they separated for the night they went to him with the same request which had already been made to him by John and by little Henry himself: "You have made our young lord a knight; he owes his crown to you; we all of us together pray you to take him into your keeping." "I cannot," answered William, "I am old; the task is too heavy for me. Leave the matter till the Earl of Chester comes." With this answer he dismissed them for the night.[2]

29 *Oct.* Next morning Ranulf of Chester arrived, just as they were all about to do homage, as was usual on the morrow of a coronation, to the new King. Ranulf did his homage like the rest, and expressed his approval of all that had been done in his absence. A meeting was then held "in the King's hall," for the purpose of choosing "a valiant man to guard King and kingdom." The Bishop of Winchester—no doubt according to arrangement made on the preceding night after the Marshal had withdrawn—called on Alan Basset to speak first. "By my faith!" spoke Alan, "fair sir, though I look up hill and down dale, I see no one fitted for this, save the Marshal or the Earl of Chester." Again the Marshal protested that the matter was too hard for him: "I am too feeble and broken, I have passed fourscore years. Take it upon you, Sir Earl of Chester, for God's sake! for it is your due; and I will be your aid so long as I have strength in life, and will be under your command loyally to the uttermost of my power; never shall you command me aught, by word or by writing, that I will not do as well as I may by God's helping grace." "Out upon it!" cried Chester, "Marshal, this

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[1] *Hist. G. le Mar.*, ll. 15347-72. For the name of the place see errata to vol. ii. p. 390.

[2] *Ib.* ll. 15373-15400.

1216 cannot be. You, who in every way are one of the best knights in the world—valiant, experienced, wise, and as much loved as you are feared—you must take it; and I will serve you and do your behests, without contradiction, in every way that I can." Hereupon Gualo called the Earl, the Marshal, the Bishop of Winchester, and one or two others into an inner room, where the matter was discussed among them privately. No conclusion, however, was reached, till at last the Legate "besought the Marshal for God's sake, and required of him that he should undertake the charge for the remission and pardon of his sins, that he might be fully absolved of them before God at the Day of Judgement." "In God's Name!" said the Marshal, "if I am saved from my sins, this charge befits me well; I will take it, however burdensome it may be." "Then," adds his biographer, "the Legate gave it to him, as was right; and the good Marshal received the King and the guardianship both together."[1]

The Marshal's forethought went beyond that of the others. Having accepted the charge of the regency, he at once made a suggestion which shewed that he intended to do the work of that office thoroughly. "My lords, you see the King is young and tender; I should not like to lead him about the country with me. So please you, I would seek out, by your counsel, a wise man who should keep him somewhere at ease. This is necessary; I will not drag him about with me. I shall not be able to stay in one place, but must travel about and look to the safety of the Marches. Wherefore, I would have some master provided and chosen for him in your presence, to whom I can intrust him with security." "Let the choice be yours, Sir," said the Legate, "for we have no fear but you will choose rightly." "Then," answered William, "since you leave the whole matter to me, I will give him in charge to a very good master, the Bishop of Winchester, who has already had the charge of him and has brought him up carefully and well." To this all agreed,[2] and it seems to have been in this way that "by common consent, the care of King

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[1] *Hist. G. le Mar.*, ll. 15465-561. Cf. *Hist. Ducs*, p. 181: "Guillaume li Mareschaus fu eslius a iestre souvrains baillius del regne."

[2] *Hist. G. le Mar.*, ll. 15579-15610.

1216 — and kingdom was committed to the Legate, the Bishop of Winchester, and William Marshal, Earl of Pembroke."[1]

There was no fear of these arrangements being unacceptable to the rest of the King's party. Throughout all England there was but one opinion of William the Marshal; and when "the folk outside" heard that he had undertaken the governorship of the King and the realm, "they rejoiced greatly." But within the castle, when darkness fell, the old Earl once more called around him "his sure council"—three faithful friends; his nephew John Marshal, his squire John of Earley, and Ralph Musard[2]—with whom he had already had an anxious consultation on the preceding night, after the first informal offer of the regency.[3] Now, setting his back against a wall, he began: "Give me your counsel! for, by my faith, I have embarked on a wide sea where, cast about as one may, neither bottom nor shore can be found, and it is a marvel if a man come safely into port. But may it please God to bear me up! They have given me this charge, which is like to miscarry,[4] as you may see and know; and the child has no possessions, worse luck! and I am an aged man." He paused, choked by tears; "and they, who loved him with all their hearts, wept too for pity." Recovering himself, he asked them: "Have you nothing to say to me?" "Yes," answered John of Earley. "You have undertaken a business from which there is no drawing back. But so long as you hold to it, I tell you that the worst that may come can only bring you honour. Suppose that all your adherents should join Louis, and surrender all the castles to him, so that you could find no shelter anywhere in England;—that you had to quit the country, and that Louis pursued you till you fled to Ireland;—still that would be great honour! And if a losing game could thus turn to your praise, how much greater will be your joy when you get the better of the adversary, as, please God, you may! Then all men will say that never man of any race won such honour upon earth. Is it not worth the winning?"

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[1] W. Cov., vol. ii. p. 233.

[2] *Hist. G. le Mar.*, ll. 15611-30.

[3] *Ib.* ll. 15401-64.

[4] "L'om m'a baillie ceste ballie,
Qui ja est pres de mesballie;" ll. 15641-2.

"By God's sword!" swore the aged hero, "your counsel is true and good, and goes so straight to my heart that if all the world should forsake the King, save myself, know you what I would do? I would carry him on my shoulders from one land to another, and never fail him, though I had to beg my bread." His friends applauded his resolution, and he, having now cast aside all misgivings, closed the conference with characteristic simplicity. "Now let us go to bed; and may God Who rules over all things give us His counsel and aid, as He surely does aid those who wish to do right and cleave unto loyalty."[1] **1216** —

He took up his new duties without further hesitation. Under his direction letters were immediately despatched to all the sheriffs and wardens of castles throughout England, bidding them render obedience to the new King;[2] and Gualo called upon the prelates and the loyal barons to meet the King and his guardians in a council at Bristol on November 11. When the council met, it comprised the whole strength of the loyal party. Only eleven bishops indeed were present; but the statement made in a royal letter that "all the prelates"[3] of England were there was practically true nevertheless; for the two metropolitans were both out of the country, the Bishops of London, Lincoln, and Salisbury were ill, and the sees of Durham, Norwich, and Hereford were vacant. The laymen who attended were the Earls of Pembroke, Chester, Derby (or Ferrers), and Aumale, the Justiciar Hubert de Burgh, Savaric de Mauléon, the two William Brewers (father and son), Robert de Courtenay, Falkes de Bréauté, Reginald de Valtort, Walter de Lacy, Hugh and Robert de Mortimer, John of Monmouth, Walter de Beauchamp, Walter and Roger de Clifford, William Cantelupe, Matthew FitzHerbert, John Marshal, Alan Basset, Philip d'Aubigné, and John L'Estrange, besides others whose names are not recorded; and there were also some "other prelates,"—that is, abbots and priors—and knights.[4] Gualo, who as representing the overlord of King and kingdom 11 *Nov.*

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[1] *Hist. G. le Mar.*, ll. 15628-708.

[2] R. Wend., vol. iv. p. 3.

[3] *Foedera* I. i. p. 145.

[4] See the list of witnesses to the Charter, *Statutes of the Realm—Charters of Liberties*, p. 14.

1216 — necessarily acted as president of the council, began by causing every man present to swear fealty to the King; he then laid an interdict upon the whole of Wales "because it held with the barons," and repeated his excommunication of the rebels and their allies, with Louis of France at their head.[1]

12 *Nov.* Next day there was issued a provisional Charter, purporting to be granted by the boy-King "under the guidance of God, and for the salvation of our soul and of the souls of all our ancestors and successors, to the honour of God, and the exaltation of Holy Church, and the amendment of our realm, by the counsel of our venerable fathers" Gualo and the other prelates and magnates enumerated. Of course it began with the declaration which had already been, and was to be again, so often made, and so often proved but an empty form: "The English Church shall be free, and have her rights and liberties entire and undisturbed;" but the recital in the first article of the Great Charter of John's grant, made to the Church before his quarrel with the barons, of one special liberty—that of free election—was omitted.[2] The clauses of John's Charter regulating the reliefs due from tenants-in-chief,[3] the wardship of heirs under age,[4] the marriage of heirs and widows,[5] were reproduced with a few very slight alterations, of which the most significant was an addition to the clause relating to the custody of estates: that the obligations laid down as binding on the guardian of a lay fief were to be binding likewise on the custodian of a vacant ecclesiastical dignity, and that a wardship of this kind was not to be bought or sold.[6] The article protecting the King's debtors and their sureties against arbitrary distraint;[7] that which protected free tenants against arbitrary requirement of service other than what was legally due from their lands;[8] that which ordered common pleas to be held in a fixed place instead of following the King;[9] the regulations for taking recognitions

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[1] *Ann. Wav.* a. 1216.

[2] First Charter of Henry III., c. 1.

[3] Magna Charta, c. 2, 1st Ch. Hen. III., c. 2.

[4] *Ib.* cc. 3, 4, 5.

[5] *Ib.* cc. 6, 7.

[6] 1st Ch. Hen. III., c. 5.

[7] *Ib.* c. 9, M. C., c. 9.

[8] M. C., c. 16, 1st Ch. Hen. III., c. 11.

[9] M. C., c. 17, 1st Ch. Hen. III., c. 12.

of novel disseisin, mort d'ancester, and darrein presentment;[1] 1216 — the clause protecting men of all classes against the infliction of arbitrary fines for offences;[2] the clauses which forbade the exaction of contributions for bridge-building from persons or places not legally bound thereto,[3] and the holding of pleas of the Crown by sheriffs or other royal bailiffs,[4] the regulations concerning ward-penny and castle-guard;[5] the royal promises to seize no timber for building without the owner's consent,[6] not to withhold the lands of a convicted felon from his lord beyond a year and a day,[7] to abolish all weirs except on the sea-coast,[8] to issue no more writs of *praecipe* in cases where a freeman might thereby be deprived of the means of obtaining justice,[9] to grant writs of inquisition concerning life or limb freely without payment,[10] to cease from unjust interference with other men's rights of wardship in the case of heirs holding land of a mesne lord by military service and other land of the Crown by some other tenure;[11] the clause ordaining equal weights and measures to be used throughout the realm;[12] that which forbade any man to be sent to the ordeal on the sole accusation of an officer of the Crown;[13] the King's undertaking not to punish or prosecute any man in any way except by the lawful judgement of his peers and according to the law of the land,[14] and neither to sell, deny, or delay, right and justice to any,[15] not to exact unfair reliefs from escheated baronies,[16] not to summon men to the Forest Courts from districts outside the Forest jurisdiction and on

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[1] M. C., cc. 18, 19, 1st Ch. Hen. III., cc. 13, 14.

[2] M. C., cc. 20, 21, 22, 1st Ch. Hen. III., cc. 15, 16, 17.

[3] M. C., c. 23, 1st Ch. Hen. III., c. 18.

[4] M. C., c. 24, 1st Ch. Hen. III. c. 19.

[5] M. C., c. 29, 1st Ch. Hen. III., c. 22.

[6] M. C., c. 31, 1st Ch. Hen. III., c. 24.

[7] M. C., c. 32, 1st Ch. Hen. III., c. 25.

[8] M. C., c. 33, 1st Ch. Hen. III., c. 26.

[9] M. C., c. 34, 1st Ch. Hen. III., c. 27.

[10] M. C., c. 36, 1st Ch. Hen. III., c. 29.

[11] M. C., c. 37, 1st Ch. Hen. III., c. 30.

[12] M. C., c. 35, 1st Ch. Hen. III., c. 28.

[13] M. C., c. 38, 1st Ch. Hen. III., c. 31.

[14] M. C., c. 39, 1st Ch. Hen. III., c. 32.

[15] M. C., c. 40, 1st Ch. Hen. III., c. 33.

[16] M. C., c. 43, 1st Ch. Hen. III., c. 35.

1216 pleas unconnected with it;[1] the clause securing the custody of vacant abbeys to those who were entitled to it as founders,[2] and that which forbade arrest or imprisonment for manslaughter on the appeal of any woman other than the wife of the slain man[3]—were all renewed, as were also the promises given by John that the Forests made in his reign should be disafforested and the river enclosures made during the same period destroyed.[4] Henry pledged himself, as John had done, to give immediate redress to any Welshmen whom John had dispossessed of their lands without lawful judgement of their peers.[5] The article concerning the ancient liberties and customs of London and other towns was renewed, with the insertion of a special mention of the Cinque Ports.[6] That which forbade the King's constables to seize any man's corn or cattle without immediate payment, except by the owner's leave, was modified; if the owner belonged to the township in which the castle stood, payment might be deferred for three weeks.[7] Another article of the Great Charter had forbidden all sheriffs and other officers of the Crown to use any freeman's horses or carts without the owner's consent; they were now permitted to do so on payment of a sum "anciently fixed"—tenpence a day for a cart with two horses, fourteenpence a day for a cart with three horses.[8] The general rule laid down in 1215 that "all merchants should come and go and dwell and trade in England, in time of peace, without the imposition of arbitrary customs" ("maltotes"), was limited by the insertion of a proviso, "unless they have been publicly forbidden."[9] Nineteen articles were entirely omitted. There was no renewal of the articles forbidding the exaction of interest, during the minority of a debtor's heir, on money borrowed from the Jews or others; nor of the royal promises to institute an inquiry into the abuses of the Forest law and of the Crown's rights over escheated baronies, to remove from all offices in England certain of John's foreign adherents, to make restitution to persons illegally disseised under John, to remit fines made illegally with him, to reinstate Welshmen illegally disseised under Henry II. and Richard, and to appoint no justiciars, constables, sheriffs, or bailiffs, save those who knew the law of the realm and were minded to observe it well.[1] The articles declaring that the ferms of the shires, wapentakes, and hundreds should be reduced to their old figures, without increment (except on royal manors); sanctioning the distribution of the chattels of an intestate freeman by his next-of-kin under the direction of the Church, after his debts were paid; and giving leave to all men to go in and out of England freely, except in time of war,[2] were also omitted. Above all, there was no renewal of two provisions of the highest importance: that no scutage or aid should be imposed except by the common consent of the realm, unless it were for the King's ransom, the knighting of his eldest son, or the marriage of his eldest daughter, and of "reasonable" amount, and that for the assessment of an aid or scutage on occasions other than those named, the common council should be summoned in a certain manner and for a fixed day, and the matter should proceed according to the counsel of those who answered the summons.[3] As a natural consequence of this omission, the article providing that no mesne lord should henceforth receive permission to take an aid from his freemen except of reasonable amount and for the before-named purposes[4] was omitted likewise. The weighty sixtieth article of the Great Charter, however—"All these aforesaid customs and liberties which we have granted in our realm, so far as in us lies, to be kept towards our own men, all the people of our realm, both clerks and laymen shall observe, so far as in them lies, towards their men,"—was retained.[5] The provisions for the return of hostages 1216

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[1] M. C., c. 44, 1st Ch. Hen. III., c. 36.
[2] M. C., c. 46, 1st Ch. Hen. III., c. 37.
[3] M. C., c. 54, 1st Ch. Hen. III., c. 39.
[4] M. C., c. 47, 1st Ch. Hen. III., c. 38.
[5] M. C., c. 56, 1st Ch. Hen. III., c. 40.
[6] M. C., c. 13, 1st Ch. Hen. III., c. 10.
[7] M. C., c. 28, 1st Ch. Hen. III., c. 21.
[8] M. C., c. 30, 1st Ch. Hen. III., c. 23.
[9] M. C., c. 41, 1st Ch. Hen. III., c. 34.

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[1] M. C., cc. 10, 11, 48, 43, 50, 52, 55, 57, 45.

[2] M. C., cc. 25, 27, 42.

[3] M. C., cc. 12, 14.

[4] M. C., c. 15.

[5] 1st Ch. Hen. III., c. 41.

1216 — and charters, and for a settlement of terms with King Alexander of Scotland,[1] were of course omitted, being no longer applicable under the altered political circumstances. The grounds on which the other omissions and modifications were made are thus set forth in the clause with which the Charter concludes, and which replaces the sixty-first clause of the Great Charter (the clause containing the arrangement about the twenty-five "over-kings"): "Forasmuch as in the former charter there were certain chapters which seemed weighty and doubtful, to wit, concerning the assessment of scutages and aids, the debts of Jews and others, the liberty to go in and out of our realm, the forests and foresters, warrens and warreners, and the customs of the shires, and the river-enclosures and their keepers: it has pleased the prelates and magnates that these should be deferred till we shall have taken counsel more fully; and then we will do to the full, concerning these and other matters which may require amendment, whatever things may appertain to the common good of all and the peace and stability of our self and our realm."[2]

The seals with which, in place of the non-existent royal seal, this Charter was confirmed in the King's name were those of Gualo the Cardinal Legate and William the Marshal, Earl of Pembroke, "governor of ourself and our realm." The form of the document must have been determined by Gualo and William conjointly; and it reflects the utmost credit upon the wisdom, tact, and moderation of both. Their explanation, given in the clause just quoted, as to the omissions in the new Charter was reasonable and true. The matters omitted were such as a provisional government, especially under the existing circumstances, could not safely deal with. They were all, more or less, matters of controversy; they were also matters affecting the relations of the Crown not with the nation as a whole, but with certain members or sections of the nation; matters, in a word, as to which it would have been neither politic nor just to tie the hands of a King who was not yet capable of acting for himself—above all at a moment when any surrender of the powers and claims of the Crown might have deprived him and his counsellors of the already sufficiently small means which they possessed of carrying on the war against the invader. Most "grave and doubtful" of all was the question which had furnished the immediate pretext, though it was certainly not the sole incentive, for the rising of the barons against John: the question of scutage. If the limitations imposed by the twelfth and fourteenth articles of the Great Charter upon the King's rights of scutage were not actually new, they had been obsolete so long as to be practically an innovation on the established custom of the realm. This fact was the coign of vantage on which John had taken his stand when appealing to the Pope against the barons; and it was on this ground that Innocent had condemned the Charter. The accession of a child-King was not the moment for gratuitously surrendering on his part a claim whose illegality was, to say the least, not proven, and which the Pope, as overlord of the kingdom, had upheld; and the postponement of this question enabled Gualo at once to give the papal sanction to the new Charter. The publication of the Charter, with that sanction, left no valid excuse for the continuance of a refusal to recognize the native sovereign. Henry was now as definitely pledged as Louis to the redress of all grievances which were really national, and the security for the fulfilment of the pledge was at least as strong on Henry's side as on the side of the stranger. 1216 —

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[1] M. C., cc. 49, 58, 59.

[2] 1st Charter of Henry III., c. 42; *Statutes of the Realm—Charters of Liberties*, pp. 14-16.

But the stranger was in the land, with a force of armed followers of his own, sufficient, if not indeed for its conquest, at least to keep the footing which he had gained there; and the men who had called him to their aid were bound to his cause by engagements from which they could not easily extricate themselves, even if they wished to do so. When they heard of Henry's coronation they were furious, and many of them took a solemn oath that they would never hold land of any of John's heirs. Gualo retorted by interdicting their lands; and his arguments, pleadings, and threatenings had a considerable effect not only on the clergy to whom they were primarily addressed,[1] but also on the lay folk of the

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[1] W. Cov., vol. ii. p. 233.

1216 King's party, whose loyalty was greatly encouraged by hearing their enemies excommunicated every Sunday and holiday. This, together with a general feeling that "the sins of the father should not be visited on the son," inclined John's old adherents to serve the new King even more zealously than they had served the late one; and they set to work vigorously at the fortification of their castles in his behalf.[1]

At the moment of John's death Louis was still, with the greater part of his forces, encamped, as he had been for three months, before Dover castle, and was awaiting the results of a truce which had been made between him and its warden—Hubert de Burgh—in the early part of October, to enable Hubert to communicate with John and obtain from him either succour, or leave to surrender. When fully certified of John's death, Louis invited Hubert to a parley and addressed him thus: "Your lord, King John, is dead; it is useless for you to hold this castle longer against me, seeing you have no succour; surrender the castle and come into my fealty, and I will enrich you with great honours and you shall be great among my counsellors." "If my lord be dead," Hubert is reported to have answered, "he has sons and daughters who ought to succeed him; as to surrendering the castle, I would fain speak with my comrades of the garrison." These all agreed that he should refuse, "lest by shamefully surrendering the place he should incur the mark of treason."[2] On this Louis consented to another truce with Hubert till after Easter,[3] and withdrew to London.[4] The Dover garrison immediately sallied forth and foraged around till they had stocked the castle with all necessaries, after burning all the buildings which Louis had set up round about it;[1] while Hubert was by this somewhat unexpected release enabled to join the council at Bristol. 1216 —

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[1] R. Wend., vol. iv. p. 3.

[2] *Ib.* pp. 3, 4.

[3] W. Cov., vol. ii. p. 232. The words are "Hiis diebus, antequam de obitu regis mentio fieret, impetraverunt qui apud Dovram obsessi erant inducias usque post Pascha, et soluta est obsidio"; but the more detailed accounts in our other authorities clearly show that though hostilities were suspended before John's death, the siege was not actually raised till the beginning of November. Mr. G. J. Turner appears to have overlooked this fact when he wrote that Hubert's absence from the coronation "excites some suspicion concerning his loyalty" ("Minority of Henry III.," part I., *Trans. Roy. Hist. Soc.*, 2nd Series, vol. xviii., p. 246). It was precisely Hubert's loyalty which made it impossible for him to leave Dover till his truce with Louis was prolonged and the siege raised.

[4] R. Wend., vol. iv. p. 4. Cf. *Hist. Ducs*, p. 182: "Grant doute avoient" [the king's friends] "de Looys, qui se partit tost de Douvre apries chou que la trive fu prise entre lui et cels dedens, si s'en vint à Londres."

The French party now held, besides London, the chief strongholds of Surrey and Hampshire—Reigate, Guildford, Odiham, Farnham, Winchester, Southampton, Porchester; Marlborough, just within the Wiltshire border, seems to have been their extreme western outpost. In the Midlands and the North they held Mountsorel and most of the castles of Yorkshire. Between these northern fortresses and London, however, lay a tract of hostile country. The Thames Valley was blocked by Windsor and Oxford; two of John's foreign followers, Engelard d'Athée (or de Cigogné) and Andrew de Chanceaux, were in command of Windsor; while the castles of Oxford, Buckingham, Hertford, Bedford, Cambridge, and Northampton, and the whole of the six shires in which they stood, were under the charge of the most devoted and energetic, as well as the most ruthless, of John's soldiers from over sea, Falkes de Bréauté. Beyond these lay Nottingham, Newark, Sleaford, and Lincoln, whose castles were all in the possession of the royalists.[2] To the east, though the Earls of Essex and Norfolk were among the partisans of Louis, the castles of Pleshy, Colchester, Norwich, and Orford were garrisoned by the troops of the King.[3] In the far north Newcastle-on-Tyne was held for Henry by Hugh de Baliol,[4] and the fortresses of the see of Durham by the constables of the

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[1] R. Wend., vol. iv. p. 4.

[2] For Newark and Lincoln see *Hist. Ducs.*, p. 181; for Sleaford see below, p. 25.

[3] Norwich castle is said by Roger of Wendover (vol. iii. pp. 378-9) to have been "found empty" and garrisoned by Louis before John's death; but this is a very unlikely story. Without discussing objections in detail, it is enough to say that in the French expedition into East Anglia (R. Wend., *l.c.*, M. Paris, *Hist. Angl.*, vol. ii. p. 182) during which this important acquisition is alleged to have been made, Louis had in reality no personal share at all, being at the time busy winning castles in Hampshire; and that the expedition was clearly a mere raid, from which all the French troops engaged in it returned to meet Louis again in London. Cf. *Hist. Ducs*, p. 172.

[4] *Hist. Ducs*, p. 181.

1216 Palatine bishop. The western shires were entirely in the hands of the Royalists. On the Dorset coast Peter de Maulay, to whom John on the eve of his last campaign had entrusted his second boy, Richard, was in command of Corfe, a fortress which on account of its remote position and great strength had been chosen for the depository of the greater part of the royal treasure.[1] The French had apparently no hold upon the coast anywhere except at Southampton and Porchester, and at Rye, where the castle was held for Louis by Geoffrey de Say.[2] Some of the Cinque Ports had indeed submitted to Louis in 1215, but they had almost immediately thrown off his yoke, resumed their allegiance to John, and joined hands with a motley band of adventurers and country folk who under the leadership of William de Casinghem occupied the Weald of Kent and were a perpetual danger to the French troops engaged in the siege of Dover.

That siege Louis seems to have now finally decided to abandon, probably with the intention of devoting himself instead to the consolidation of his conquests by the acquisition of eastern England. On 11th November—the meeting-day of the Council at Bristol—he appeared before Hertford and laid siege to the castle. For twenty-five days he plied his machines against it in vain, its commandant, Walter de Godardville, a knight of Falkes's household, making a brave defence and a great slaughter of the assailants, till the siege was ended on 6th December[3] by a general truce made between the Royalist leaders and Louis on the condition that Hertford and Berkhamsted should be evacuated and surrendered to the French prince.[4] The constable of Berkhamsted, however—a German knight named Waleran, who had long been in John's service—was unwilling to accept the truce, and held out against siege and assault till an order in the King's name compelled him to surrender on 20th

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[1] *Hist. Ducs*, p. 180. [2] *Ib.* p. 182. [3] R. Wend., vol. iv. pp. 4-5.

[4] *Hist. G. le Mar.*, ll. 15717-28. According to one account, Louis made over Hertford to Robert FitzWalter, to whom it had formerly belonged (*Hist. Ducs*, *l.c.*); according to another, FitzWalter claimed it, but was put off with a temporizing answer, on the advice of Louis's French knights, who said, truly enough, that "Englishmen who had betrayed their own sovereign were not fit to be trusted with castles." R. Wend., vol. iv. p. 5.

December.[1] When the truce expired, another was made, the 1216
condition being the evacuation and surrender of the royal —
castles of Orford and Norwich;[2] and this second truce seems to
have been followed by a third, purchased probably by the
surrender of Cambridge and either Colchester or Pleshy.
At some date between the middle and the end of January, 1217
1217, Louis called his adherents to a council at Cambridge,
while the King's guardians brought up their young sovereign
from Gloucestershire to Oxford,[3] and opened negotiations for
a peace, or, failing that, a further prolongation of the truce.
Of peace Louis's English supporters would not hear; and as
the arrangements for another truce made but slow progress,
Louis laid siege to the castle of Hedingham. Finally,
however, a truce was made, its conditions being apparently
the surrender of Hedingham and Colchester (or, if Colchester
had been surrendered earlier, Pleshy), and perhaps some minor
strongholds, and the continuance of "all things"—castles and
other matters—as they were at that moment until a month
after Easter.[4]

Thus by the beginning of February, 1217, Louis's mastery of eastern England was completed, seemingly without a struggle. At first glance, the action of Henry's representatives seems unaccountable; there is, however, reason to think that it was really part of a scheme for bringing the desultory war to a crisis. Their aim seems to have been first to induce Louis to scatter his forces, and then to lure him back to the coast, hoping that there they might either cut off his retreat, or compel him to return to his own country.[5] For the accomplishment of this design it would be necessary to concentrate their own forces; and this could only be done by withdrawing the garrisons from such of the royal castles as were least worth retaining at the moment. These were the castles of East Anglia and Essex. Unlike the fortresses of the west,

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[1] R. Wend., vol. iv. pp. 5, 6.

[2] *Hist. G. le Mar.*, ll. 15735-41.

[3] Henry was at Oxford in 1217 on January 13-20, and again January 27-February 1; *Close Rolls*, vol. i. pp. 295 b–297.

[4] On all these truces and surrenders see Note I at end.

[5] W. Cov., vol. ii. p. 235.

1217 — which it was of paramount importance to maintain in a state of efficiency as a protection against encroachments of the King's enemies from the Welsh border, these eastern castles were practically isolated outposts in a district of which the greater part was under the enemy's control. Surrounded as they were by the territories of powerful barons who supported Louis, they were not available as bases for concerted action; and the stores, arms, horses, and men in them could be made far more useful elsewhere.[1] To the enemy, on the other hand, the bait would be a tempting one; and the possible consequences of taking it might well have escaped the penetration of a more wary general than was Louis of France at this stage of his career. The possession of these castles placed the whole of eastern England under his uninterrupted sway, and removed all serious obstacles, except one, to his communications with his allies in the north. That one obstacle was the castle of Lincoln, which under the command of a woman had hitherto resisted every assailant. Louis appears to have made a circuit of his new possessions—no doubt placing a garrison in each of them—and then proceeded to Lincoln, hoping that his personal presence and the isolation in which she was now placed might tempt or frighten Dame Nicolaa into a betrayal of her trust. In this hope he was disappointed. The city received him, as it had already received his adherents; but the castle "held out," for the Dame "kept it very loyally." Louis could only return to London and thence send the castellan of Arras to take up his quarters in Lincoln city, that he might "hold the country with the help of the Northerners."[2]

Louis was now anxious to get back to France. According to one account, his father was again urgently calling him home;[3] according to another, he was alarmed by letters from his agents at Rome, telling him that unless he left England the Pope intended to confirm on Maundy Thursday the excommunication which had been pronounced on him by Gualo.[4] When he announced to his English friends in London his intention of leaving the country they were highly displeased, 1217 — and he had to take a solemn oath that he would return before the expiration of the truce.[1] None of the successive truces made during this winter seem to have been very scrupulously kept by either party. On the morrow of the surrender of 1216 21 *Dec.* Berkhamsted Louis had marched upon S. Alban's and demanded homage of the abbot, and on its refusal had only been restrained from burning both abbey and town by the intervention of Saer de Quincy, whereby the abbot was persuaded to give him eighty marks for a respite till Candlemas.[2] A month later, at the very time when the King's Council were 1217 22 *Jan.* endeavouring to arrange a conference of commissioners from both sides for the redress of infractions of the first and second truces and for securing the observance of the truce then existing,[3] Falkes de Bréauté sacked the same unlucky town and wrung from the abbot another heavy fine.[4] Louis's visit to Lincoln was not an overt act of hostility such as these, but it was distinctly a violation of the spirit of the conditions on which the last truce had been made; and the Royalists may perhaps have considered themselves thereby released from their own obligation to abide by those conditions. However this may be, Louis, seemingly on the point of setting out from London for the coast, received information that the castle of Rye had been "taken by subtlety" by the English.[5]

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[1] *E.g.*, the stores, &c., removed from Norwich and Orford were on 8th February assigned for the reinforcement of Dover; *Close Rolls*, vol. i. p. 335 b.

[2] *Hist. Ducs*, p. 182.

[3] W. Cov., vol. ii. p. 235.

[4] R. Wend., vol. iv. p. 11.

As early as 17th December, 1216, "the brave men of Ireland who are with their ships on the coasts of Normandy" had been bidden, and encouraged by the promise of liberal reward, to come in force to Winchelsea, ready and prepared to go forth in the King's service on S. Hilary's day, or as soon after as possible.[6] They seem to have obeyed the summons, and to have been joined by an English fleet, gathered no doubt from the loyal Cinque Ports, and commanded by the governor of the Channel Islands, Philip d'Aubigné.[7] A *Jan.*

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[1] W. Cov., vol. ii. p. 235.

[2] R. Wend., vol. iv. p. 6.

[3] *Patent Rolls Hen.* III., vol. i. p. 109. See Note I.

[4] R. Wend., vol. iv. pp. 10-11.

[5] "Prise par engien." *Hist. Ducs*, p. 182.

[6] *Pat. Rolls*, vol. i. p. 17.

[7] "Qui la"—*i.e.*, at Rye—"estoit a grant plente de nes biens garnies de gens armees, comme chil qui la mer ot a garder de par le roi." *Hist. Ducs*, p. 183.

1217 — detachment of Royalists, protected by, if not actually landed from, these ships, had "by the wise counsel of the Marshal" now surprised and occupied Rye.[1] Louis at once set out for the coast; he went, however, not direct to Rye, but to Winchelsea—still, it seems, intending to sail for France. At his approach the burghers of Winchelsea broke up all the mills in their town, and then took to their boats and went to join Philip d'Aubigné and his fleet off Rye. Louis had no sooner entered Winchelsea than he found himself caught in a trap whence there was no way of escape—shut in between the new garrison of Rye, the ships, and the Weald, where "Willikin" de Casinghem was still in command of a dauntless and reckless band of loyalists who broke down every bridge and blocked every passage in the rear of the French, and cut off the head of every straggler who came within their reach.[2]

Louis and his men were soon on the verge of starvation; there was plenty of corn in the town, but no means of grinding it save the slow process of rubbing it between their hands; they could get neither flesh nor fish; their "best food" consisted of some "large nuts" which they found in the town. For a while they struggled on, making occasional truces with the ships' men, probably for the purpose of being able to fish without molestation and thus procure a little food; but the sailors paid little or no regard to these truces, and even came ashore to shoot at the enemies.[3] At last Louis sent some messengers who contrived to slip through the Weald to London for succour. Some of his knights there set out to rescue their lord; but they dared not attempt to pass through the Weald, so they went by the high road through Canterbury to Romney, and thence—as it was impossible for them to proceed from Romney to Winchelsea without passing Rye—despatched a message to the governor of the county of Boulogne asking him to send them all the ships he could get. He sent, it is said, over two hundred vessels—probably only small boats—all of which save one came into port at Dover, and were speedily occupied by the French knights who hastened thither from Romney; but a succession of storms kept them waiting a fortnight before they could sail. Meanwhile Louis and his men had possessed themselves of several large ships which were lying in the harbour of Winchelsea; and one of the vessels sent from Boulogne had, "by the hardihood of the mariners," contrived to evade the English fleet and reach the same place, "where it was very welcome." In all likelihood the captain of the ship which achieved this exploit was a man who for many years past had been known on both sides of the Channel as the most daring of seamen and the most ruthless of pirates, Eustace "the Monk"; for it was Eustace who now proposed to build, on one of the large ships, a "castle" wherewith to attack the English. This "castle" was "so big that everyone stared at it with wonder, for it overpassed the sides of the ship in every direction." A stone-caster was next set up on another ship, to hurl stones at the English fleet; Louis had already set up on the shore for the same purpose two similar machines, whose missiles went almost across the channel which separates Winchelsea from Rye; and these did the English ships considerable damage. But one evening the English brought up some of their vessels close to the town, stole away the galley which bore the "castle," and hewed it in pieces before the very eyes of the French. Louis laid the blame of this mishap on the Viscount of Melun, who apparently was responsible for the watch that night; Melun bluntly declared the men were so hungry that not four knights could be found to undertake the watch; Louis retorted that he would take it himself. Then Eustace de Neville interposed, saying he would find forty knights to watch with him as long as Louis pleased. That night he did it, with forty of his friends, "very honourably"; and next morning the relieving squadron from Dover came in sight. The English ships threatened to intercept it; but the first English vessel which came to close quarters by some accident struck one of its own consorts and sank it with all its crew, and amid the confusion resulting from this catastrophe 1217

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[1] *Hist G. le Mar.*, ll. 15779, &c.

[2] Cf. *Hist. Ducs*, pp. 181, 183, and *Hist. G. le Mar.*, ll. 15768-9 and 15795-808.

[3] *Hist. Ducs*, p. 183.

1217 the French ships made their way safely into the harbour of Winchelsea.[1]

With these ships Louis, whose force is said to have now consisted of more than three thousand men, proceeded to Rye, which the English garrison, seeing they could not defend it, evacuated.[2] By this time the Marshal[3] and the other members of the Council were on their way up from the west of England to a general muster of the Royalist forces at Dorking. Thence, on 28th February, a letter was despatched in the King's name to the townsfolk of Rye, bidding them take courage, give no hostages to Louis, and make no terms with him, for they would speedily receive "greater succour than they could believe possible." The Bishop of Winchester, the Marshal, the Earls of Chester, Ferrers, and Aumale, nearly all the barons of the western March (Walter de Lacy, Hugh and Roger de Mortimer, Walter and Roger de Clifford, William de Beauchamp, John of Monmouth, "and others"), and several other well-known leaders (William de Harcourt, Engelard de Cigogné, William de Cantelupe, Falkes de Bréauté, Robert de Vipont, Richard FitzRoy), with a multitude of knights, men-at-arms, and crossbowmen, and some loyal Welshmen, were setting out for Rye at once, and the King himself was about to follow with the Legate and a crowd of clergy and "crusaders."[4] But before this letter was written Louis had made his escape. After appointing his nephew Enguerrand de Coucy as his representative in England, with orders to go to London "and not stir thence upon any account," and leaving a French garrison in Rye,[5] he had slipped away to Dover, and thence sailed on 27th or 28th February to France.[6]

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[1] *Hist. Ducs*, pp. 184-187.

[2] *Hist. G. le Mar.*, ll. 15859-67; cf. *Hist. Ducs*, p. 187.

[3] From the *Hist. G. le Mar.* alone it might be supposed that the Marshal himself had headed the expedition which captured Rye; but the Rolls distinctly show that this was not the case.

[4] "Crucesignati." *Pat. Rolls*, vol. i. pp. 108-109.

[5] *Hist. Ducs*, p. 187.

[6] *Hist. G. le Mar.*, ll. 15868-9, 16034-6. We get the date by comparing these latter lines with the date of Louis's return; see M. Paul Meyer's note 5, vol. iii. p. 225.

The Legate meanwhile had turned the war into a crusade. 1217 He had set the example, which the prelates followed, of assuming in token of the sacredness of the young King's cause the white cross which marked the English warriors in Holy Land ; all loyal subjects were exhorted to do the like ; and those who had already taken the cross with the intention of joining the host now on its way to Egypt were encouraged to exchange their intended pilgrimage for the struggle with the excommunicate enemies at home.[1] Nobles and common folk alike responded to this appeal, " preferring to have a king from their own land rather than a foreign one."[2] All through the winter the tide had been turning surely though slowly. As early as the end of November, 1216, William of Aubigny, the lord of Belvoir, who in the preceding year had defended Rochester castle for the rebel party with a stubborn bravery worthy of a better cause, and on its capture had been sent by John to prison at Corfe, bought his release by a fine of six thousand marks and homage to the new King ; he was at once intrusted with the castle of Sleaford, " and he kept it right valiantly."[3] Two recruits of yet greater importance joined the Royalist forces a few days after Louis left England : the younger William Marshal—eldest son of the regent—and the king's uncle, William Longsword, Earl of Salisbury. These two, " who loved each other like brothers,"[4] seem to have been already contemplating a return to their natural allegiance in the second week of December, 1216 ;[5] but their scruples or their fears kept them in the hostile camp for three months longer. Then, in the first days of March, the elder Marshal " met them by the way " somewhere between Shoreham and Knepp.[6] The meeting was evidently pre-arranged.[7] All three spent the night together

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[1] W. Cov., vol. ii. p. 235.

[2] *Ann. Wav.*, a. 1217.

[3] R. Wend., vol. iv. p. 5.

[4] *Hist. G. le Mar.*, l. 15884.

[5] When they had a joint letter of safe conduct to go to the court for six days ; *Pat. Rolls*, vol. i. p. 10, 8th December, 1216.

[6] *Hist. G. le Mar.*, ll. 15872-86.

[7] A dateless letter from the Earl Marshal, Walter de Lacy, William de Cantelupe, and Falkes, to the Earl of Salisbury and the younger Marshal, sets forth that the writers have sworn "quod conventionem prolocutam inter dominum nostrum Henricum regem Angliæ illustrem et nos" [*sic*, but surely it should be

1217 at Knepp ; and when the two younger men parted from the elder one next morning, it was to lead their followers to Winchester and besiege it for the King.[1] The old Marshal followed them with another body of troops, and laid siege to Farnham in the first week of March.[2] By 12th March it was taken ;[3] and so, too, about the same time, was the city of Winchester and "the lesser castle" there—that is, the Bishop's castle, known as Wolvesey.[4] The "tower," or royal castle,[5] however, held out against the united forces of the two friends and the regent, who on leaving Farnham came to their assistance. At last it was decided that he should continue the siege,[6] while his son and Longsword led their forces to Southampton or Odiham,[7] and another party under Philip d'Aubigné was sent to besiege Porchester.[8] On the last day of March the younger Marshal laid siege to Marlborough ; and "after great difficulty" he took it.[9] Southampton and Odiham had now been regained ;[10] Chichester was won before 16th April, and Porchester before 27th April.[11] Meanwhile Falkes de Bréauté had made a raid on the Isle of Ely and recovered possession of it for the King.[12] The royal forces were swelling fast ; "converts"—as the rebels who returned to allegiance

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*vos* ?] "pro posse nostro firmiter et absque malo ingenio teneri faciemus," wherefore the two persons addressed are to come without delay to the writers, who will have them absolved by the Bishop of Chichester, he being empowered by the Pope and the Legate to absolve persons returning to allegiance. *Pat. Rolls*, vol. i. p. 109.

[1] *Hist. G. le Mar.*, ll. 15884-96.

[2] Cf. *ib.* ll. 15901-2, and *Close Rolls*, vol. i., p. 299.

[3] *Pat. Rolls*, vol. i. p. 37.

[4] *Hist. G. le Mar.*, ll. 15943-4.

[5] *Ib.* l. 15972.

[6] *Ib.* ll. 15960-84. Reinforcements were on 7th April summoned to be at Winchester on Wednesday after the close of Easter, *i.e.*, 10th April ; *Close Rolls*, vol. i. p. 335 b.

[7] "S'en alerent *Baucone*," *Hist. G. le Mar.*, 15986. The name is hopelessly corrupt ; M. Meyer suggests in a note "à Suzhantone?" It is probably either Southampton or Odiham ; cf. *Hist. Ducs*, pp. 187, 189.

[8] *Hist. G. le Mar.*, ll. 16003-10. The place is there called *Rovcestre*, but there can be no doubt Porchester is meant ; we know from the *Close Roll*, vol. i. p. 301 b, that the siege of Porchester was begun before 20th March.

[9] *Hist. G. le Mar.*, ll. 16011-33.

[10] *Hist. Ducs*, pp. 187, 189.

[11] *Pat. Rolls*, vol. i. pp. 57, 62.

[12] *Hist. Ducs*, p. 188.

are called in the official records—came crowding in;[1] and after Easter the Marshal, while still blockading the "tower" of Winchester, felt himself strong enough to despatch the Earls of Chester, Aumale, and Ferrers, with Robert de Vipont, Brian de Lisle, William de Cantelupe, and Falkes, and a number of knights and men-at-arms drawn from the garrisons of the evacuated royal castles, to form the siege of the rebel Earl of Winchester's great fortress of Mountsorel in Leicestershire.[2] 1217

Tidings of these things reached Louis in France; "and when he heard them," says a contemporary, "he was not at all glad." About Easter time he had betaken himself to Calais, but with only a very small following; if he had gone to France with the hope of gathering forces there, he must have been disappointed. He had, however, procured a new machine called a trebuchet, "about which there was much talk, for at that time few of them had been seen in France." With this machine, and a handful of knights—only one hundred and forty—he at last set sail[3] for England once more on Saturday, 22nd April.[4] As the French ships drew near to Dover on the morning of S. George's day, their occupants saw the huts which had been built to shelter the besiegers of the castle still standing, empty but intact. At *Sunday, 23 April*

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[1] See the orders "de conversis" in *Close Rolls*, vol. i. pp. 300 b *et seq.*

[2] R. Wend., vol. iv. p. 14. Cf. *Hist. Ducs*, p. 189, and *Hist. G. le Mar.*, ll. 16092-6. Roger gives the date, "post Paschalem solemnitatem," *i.e.*, after 26th March.

[3] *Hist. Ducs*, p. 188.

[4] "In vigilia S. Georgii martyris," *Chron. Merton* in Petit-Dutaillis, p. 514. The Barnwell Annalist (W. Cov., vol. ii. p. 236) says, "Sabbato quo finiendae erant treugae applicuit Lodowicus apud Sandwich." The day on which the truce would end, if the "month after Easter" (see above, p. 19), meant a calendar month, would be 26th April, and not Saturday but Wednesday. But a month of four weeks from Easter would expire on Saturday, 22nd April; and this interpretation is confirmed by the *Hist. Ducs* (*l.c.*), one MS. of which says Louis sailed "le venredi devant le mois de Pasques"; see M. Francisque-Michel's note, *ib.*, and M. Paul Meyer's notes to *Hist. G. le Mar.*, vol. iii. p. 225. The only doubt is whether Louis sailed on the night of Friday, 21st April, and landed on Saturday, 22nd, or sailed on Saturday, 22nd, and landed on Sunday, 23rd. As the preponderance of evidence seems to be in favour of the latter view, I have based my reckoning of the dates of his subsequent movements on the assumption of its correctness.

1217 — that very moment, however, King John's son Oliver and Willikin of the Weald came down upon the huts and set them on fire, after slaughtering some of the few men who had been left to guard them. To attempt a landing at Dover in the face of an enemy whose numbers and position it was impossible to distinguish amid the smoke thus raised, and who could so easily pour down a murderous fire of arrows and other missiles from the cliffs, would have been to court destruction. Louis therefore altered his course and made for Sandwich. There he succeeded in landing,[1] though not without opposition from some of the local ships.[2] Next day he rode to Dover and took up his quarters in the priory. There he heard dismal reports of the losses suffered by his adherents in other parts of England; so he hurriedly arranged with the constable of the castle for a further prolongation of the local truce,[3] and returned to Sandwich. Having now been joined by the Count of Nevers with a few followers, he dismissed the inferior portion of his own forces to the ships, which he sent back to France,[4] but, as the sequel showed, with instructions to return.[5] Then, after firing the town of Sandwich in vengeance for the hostility of its mariners,[6] he moved on to Canterbury; next day (Tuesday, 25th April) he set out for Winchester. At Malling he was met by Saer de Quincy, Simon de Langton, and some others of his English partisans. On the morrow (Wednesday, 26th) he "made a long day's march, for he went from Malling to Guildford"; his baggage could not get beyond Reigate. On this day he was joined by Enguerrand de Coucy and the greater part of the garrison which he had left in London. Next day (Thursday, 27th) he reached Farnham, but only to find it prepared for defence against him, and to learn that Winchester castle was lost to him,[7] its castellans having surrendered it before they knew of his return to England.[1] 1217

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[1] *Hist. Ducs*, p. 189.

[2] W. Cov., vol. ii. p. 236.

[3] "Fist tant a Hubiers de Bourg que les trives furent alongies," *Hist. Ducs l.c.* Hubert may or may not have been there in person; the "truce" is obviously only the local one, limited to Dover and quite independent of the general truce, which was now unquestionably ended.

[4] *Hist. Ducs, l.c.*

[5] W. Cov., *l.c.*

[6] *Hist. Ducs, l.c.*

[7] *Hist. Ducs*, pp. 189, 190.

No sooner did the Marshal hear that Louis was back than he gave orders for the immediate razing of all the castles which had been retaken, except Farnham.[2] It was Farnham that Louis now turned to attack. The outer bailey was speedily captured by assault; but the keep, as a foreign chronicler quaintly says, "heeded it not."[3] Next day (Friday, 28th April) Earl Saer of Winchester came to Louis asking for help to relieve Mountsorel.[4] Its garrison of ten knights and some men at arms under Henry de Braybroke had held out manfully for nearly a month, but had now found it needful to ask their lord, Saer, for succour.[5] After some consultation Louis, "being unable to get rid of him otherwise,"[6] sent him to London with orders that some of the leaders there should supply him with troops and accompany him to Mountsorel for the twofold purpose of relieving that fortress and "subduing the whole province" to Louis himself. Under the joint command of Saer, the count of Perche, Robert Fitz Walter, and some other barons, a large body of knights and men-at-arms, some English, some French, and "all coveting their neighbour's goods," as an indignant chronicler says, set out accordingly from London on Monday, 1st May.[7]

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[1] Comparing *Hist. G. le Mar.*, ll. 16039-44 and 16052-53, with *Hist. Ducs*, pp. 189, 190, I venture to think that this is the true meaning of the poet's somewhat confused story, notwithstanding M. Meyer's note 1, vol. iii. p. 225. The fact that the Marshal was attesting royal letters at Winchester from 14 March onwards does not prove that he had gained possession of the *castle* before that date.

[2] *Hist. G. le Mar.*, ll. 16048-50. The order for razing Chichester castle had been issued before, on 16 April; *Pat. Rolls*, vol. i. p. 57.

[3] "Li castiaus n'ot garde," *Hist. Ducs*, p. 190.

[4] *Hist. Ducs*, *l.c.*

[5] R. Wend., vol. iv. p. 14.

[6] "Qui escondire ne li pot." *Hist. Ducs*, *l.c.*

[7] From R. Wend., vol. iv. p. 15, we should suppose that Saer's appeal to Louis was made in London; but the *Hist. Ducs*, *l.c.*, shows that it was made at Farnham. On the other hand, the Flemish chronicler represents Saer as departing straightway from Farnham for Mountsorel "on the morrow," *i.e.* Saturday, 29 April, "o grant chevalerie d'Englois" and some seventy French knights (pp. 190, 191); while Roger says the relieving force—which he makes to consist of six hundred knights and more than twenty thousand men-at-arms—started from London "pridie kalendas Maii, id est die Lunae proximo ante Ascensionem Domini" (*l.c.*). The last day of April, 1217, was Sunday, not

1217 From S. Alban's, where they halted for the night, the French mercenaries went about plundering churches, desecrating cemeteries, and putting "all sorts of people" to torture and ransom; at the abbey they got nothing but food and drink, Louis having apparently given it to be understood that he was "satisfied" with the larger sum which he had recently extorted from the abbot, and that they must exact nothing more. A marvellous experience which befell some of the sacrilegious spoilers at Redburn[1] probably sobered them somewhat, for they passed through Dunstable "without doing much harm."[2] When, a few days later, they reached Mountsorel, they found that, so far as that castle was concerned, their work was done. The leaders of the besieging force had had timely warning from their scouts, and had withdrawn to Nottingham.[3]

Louis meanwhile had on Saturday, 29th April, marched from Farnham to Winchester, his rearguard chased by a party of Royalists from Windsor, who, however, failed to overtake it. The Marshal, after demolishing the castle as much as haste permitted, had evacuated the city, and the few Royalists left in it fled at the approach of the French. Louis stayed there five days, to put in train the restoration of the castle. On 4th May—Ascension Day—he left the completion of this work and the custody of the city to the Count of Nevers, and set out once more for London.[4] There he heard that the garrison of Dover had broken their truce, and chased and

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Monday. I think we may combine the two accounts, and assume that Saer left Farnham on April 29 to go not directly towards Leicestershire, but to London. The journey thither, and the necessary preparations after he had joined his associates there, must have taken a couple of days, and the combined forces could hardly set out before Monday, 1 May. The *Ann. Dunst.*, p. 49, say the relieving force consisted of "the barons who were at London," the Count of Perche, the Marshal of France, and ten thousand *armati* whom Louis had given them. The *Hist. G. le Mar.*, ll. 16085-92, which says the party set out from Winchester at the same time that Louis and the rest of his forces returned thence to London, is obviously quite wrong.

[1] R. Wend., vol. iv. pp. 15-17.

[2] "Satis innocenter," *Ann. Dunst.*, p. 49.

[3] R. Wend., vol. iv. p. 17. W. Cov., vol. ii. p. 237. *Hist. G. le Mar.*, ll. 16097-16105.

[4] *Hist. Ducs*, pp. 191, 192. Cf. *Hist. G. le Mar.*, ll. 16055-81.

slain some of his men who had arrived at Dover after he left it. He stayed in London two nights and then went on to Dover, and on the Friday before Whit-Sunday, 12th May, set up his trebuchet before the castle, while his men built themselves huts all around in preparation for a renewal of the siege. Next day (Whitsun Eve) forty of his ships reappeared, seeking to enter the harbour; but a contrary wind drove them back to Calais, all except five, which made their way in together. On Monday, 15th, the other thirty-five came again from Calais. At the same time there hove in sight some eighty or more ships "great and small," among them twenty "great ships armed and prepared for battle," coming from Romney under Philip d'Aubigné and Nicolas Haringot. The small French transports, not daring to risk a meeting with these big vessels, fled towards Calais; twenty-seven of them however had advanced so far that they could not withdraw in time to avoid an encounter; eight of these were captured, the sailors and men-at-arms whom they carried were slain at once, and the knights imprisoned in the holds of the ships, "where they were uncomfortable enough." The victorious English ships then anchored before the castle, thus effectually cutting off its besiegers from all chance of reinforcement by sea. Louis vented his rage by sending some of his men by land to burn Hythe and Romney; the "Wealdsmen" attacked them, but seemingly without success.[1] 1217

While Louis was in London, the host which had gone to relieve Mountsorel moved eastward to Lincoln, at the urgent request of Hugh of Arras, who went in person to beg that they would all join him and his "Northern" friends at the siege of Lincoln Castle. He was, he said, almost on the point of taking it, and its capture would be a great advantage to the cause of Louis. After some debate the leaders consented, and the whole force marched to Lincoln and quartered itself in and around the city.[2] Tidings of this movement reached the Marshal on the Friday before Whit-Sunday—the day on 12 May

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[1] *Hist. Ducs*, pp. 192, 193. "E li Waudois les assaillirent, mais desconfis furent."

[2] *Hist. Ducs*, p. 194. Cf. R. Wend., vol. iv. p. 17, and W. Cov., vol. ii. p. 237.

1217 which Louis set up his trebuchet at Dover—when the council and the loyal barons were gathered round the King at Northampton for the approaching festival.[1] Hereupon, says his biographer, "God, Who supports, maintains, and counsels all loyal men, put into their hearts a marvellous counsel, of which came much good and much honour to them. List, then, the sum of the counsel with which God inspired the man chosen and renowned and trusted above them all. 'Hearken,' spoke William the Marshal, 'loyal knights and all ye who are in fealty to the king! For God's sake hearken to me, for what I have to say deserves a hearing. This day we bear the burden of arms to defend our fame, and for ourselves and our dear ones, our wives and children, and to keep our land in safety, and to win great honour, and for the peace of Holy Church, which these men have wronged and ill-used, and to gain remission and pardon of all our sins. Take heed then that there be no backsliders amongst us.'"[2] After this solemn exordium he put the situation clearly before his audience. Part of the enemies were sieging Lincoln Castle, but only a part; Louis was elsewhere, and "those who accompanied him had got themselves foolishly into a tangle."[3] Here, then, was an opportunity not to be lightly thrown away. "For God's sake, let us stake everything upon it! Remember that if we gain the victory, we shall increase our honour, and preserve for ourselves and our posterity the freedom which these men seek to take from us. We *will* keep it. God wills us to defend it! Therefore every man must bestir himself to the utmost of his power, for the thing cannot be done else. There must be no gaps in our armed ranks; our advance upon the foe must be no mere threat; but we must fall upon them swiftly. God of His mercy has granted us the hour for vengeance upon those who are come hither to do us ill; let no man draw back!" The whole assembly "took heart and hope, strength and hardihood" from his words, and became eager to go forward at all costs.[4] So, with the unanimous consent of Gualo and the

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[1] *Hist. G. le Mar.*, ll. 16115-26.

[2] *Ib.* ll. 16126-53.

[3] "Se sunt embatuz folement," l. 16161.

[4] *Ib.* ll. 16153-99.

1217 — other members of the royal council, the Marshal called upon all loyal castellans and knights to muster at Newark on Whit-Monday, 15th May.[1] They came gladly, to the number of four hundred knights, near two hundred and fifty cross-bowmen, and so many sergeants and horsemen as might well make up for the small number of knights.[2] The leaders of the host were the two William Marshals, Bishop Peter of Winchester (who was "learned in the art of war"), the Earls of Chester, Ferrers, and Aumale, William d'Aubigny, John Marshal, William de Cantelupe with his son of the same name, Falkes de Bréauté, Thomas Basset, Robert de Vipont, Brian de Lisle, Geoffrey de Lucy, Philip d'Aubigné, "and others."[3]

Next day arose a new peril, which recalls one of the incidents that preceded another battle at Lincoln, seventy-six years before. *Tues., 16 May* "The Normans who were in the host" went to the younger William Marshal and addressed him thus: "Fair sir, you were born in Normandy; you ought to know that it is the right of the Normans to strike the first blow in every battle. Take heed that we lose not our right." Earl Ranulf of Chester, however—like his father in 1141—claimed the same privilege for himself, and bluntly declared that unless he were placed in the van, he would not go with the host, and they should have no help from him. The Earl Marshal and the other leaders were obliged to pacify him by granting his demand, on the understanding that the right of the Normans should not be thereby prejudiced for the future.[4] Three days were spent at Newark, as a breathing-time for *Tues.–Thurs., 16-18 May* men and horses and an opportunity for religious exercises to prepare the men for their task. On the third morning, after *Fri., 19 May* Mass, the Legate and clergy again excommunicated Louis by name, with all his accomplices and abettors, especially those who were sieging Lincoln castle, "together with the city of Lincoln and all its contents." The Legate then gave plenary absolution to all who, having made a truthful

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[1] R. Wend., vol. iv. p. 18.

[2] *Ib.* For the knights see also *Hist. G. le Mar.*, ll. 16264-6 and 17025.

[3] R. Wend., vol. iv. pp. 18, 19.

[4] *Hist. G. le Mar.*, ll. 16203-24.

1217 — confession, were about to take part in the expedition.[1] This done, the whole host flew to horse and arms.[2]

The Legate set out for Nottingham,[3] taking with him the young King. For the fighting men, the direct route would have been the Foss Way, which ran in an almost straight line from Newark to Lincoln. But it ran to the southernmost gate of the city, below the hill; and their aim was to reach the western side of the castle on the hill-top without passing through the city, which was in the hands of the enemy. They therefore fetched a compass to the northward as far as Torksey;[4] and there, or at Stow[5] hard by, they spent the night. On Saturday morning (May 20th), after Mass, they drew up in full array for their final march upon Lincoln.[6] Once more the Marshal bade them fight, "for honour or Paradise," against the enemies of God and the Church. "God has given them into our hands; up and at them! The hour is come!" "And all who heard him bore themselves joyfully, as if they were going to a tournament."[7] Chester led the van; the Marshal and his sons commanded the next division; Earl William of Salisbury the third, and Bishop Peter of Winchester the fourth, which consisted of cross-bowmen.[8] Another body of cross-bowmen—perhaps commanded by Falkes—seems to have formed an advanced guard which marched a mile in front of the rest of the host.[9]

The boundaries of medieval Lincoln were determined by those of the Roman city on the site of which it was built.

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[1] R. Wend., vol. iv. pp. 19, 20. Cf. *Hist. G. le Mar.*, ll. 16225-32.

[2] R. Wend., *l.c.*

[3] *Hist. G. le Mar.*, ll. 16236-7.

[4] *Ib.* l. 16238.

[5] R. Wend, vol. iv. p. 20.

[6] *Hist. G. le Mar.*, ll. 16240-46. Cf. R. Wend., *l.c.* In p. 25 Roger gives the date of the battle as "quarto decimo kalendas Junii, sabbato scilicet in hebdomada Pentecostes," where the ecclesiastical date is correct, but not the civil one. One MS. of the *Hist. Ducs* makes it "la velle de la Pentecouste;" but the other has "la velle de la Trinite," p. 194, note 3. The Annals of Waverley, a. 1217, give the true date, "tertio decimo kalendas Junii, in hebdomada Pentecostes." So also R. Coggeshall, p. 185.

[7] *Hist. G. le Mar.*, ll. 16277-310, 16331-4.

[8] *Ib.* ll. 16247-61, 16314-15.

[9] R. Wend., vol. iv. p. 20. He makes seven divisions, or "battles," instead of four, but gives no details of their arrangement. It is possible that either he or the Marshal's biographer may have put the crossbowmen in a wrong place.

1217 — They formed, roughly speaking, a parallelogram whose length from north to south was considerably greater than its width, and whose northern half stood on the summit of a steep and rocky hill whence the southern half sloped down almost to the bank of the river Witham; the whole was divided longitudinally by the Roman road known as Ermine Street. The city "above hill" represented the original Roman camp; to this the part "below hill" had been added in the later days of the Roman occupation. The wall wherewith, in the thirteenth century and for many centuries after, the whole was encompassed, followed in the main the outlines of the Roman enclosure thus enlarged. The castle, founded by William the Conqueror and partly reconstructed in the twelfth century, occupied the south-western angle of the first Roman city: it was thus enclosed on the north, east, and south within the later city, from which it was separated by a wide and deep ditch. This ditch was continued along its outer or western side; and on this side the walls of castle and city formed one continuous line, the wall being carried across the ditch at the north-western and south-western extremities of the castle enclosure. Immediately north of the ditch at the former of these two points of junction between the city wall and the castle wall, stood the West Gate of the city; whether there was also a gate at the southern junction point is not known. The castle had two main entrances; one on the east, towards the city; the other on the west side, towards the open country. The keep was on the south side. Beyond the western wall and ditch the plateau formed by the hill-top extended some little distance; and it was here that King Stephen had entrenched himself when he besieged the castle in 1141, leaving the bishop and citizens to watch the other three sides. The partisans of Louis seem not to have been sufficiently sure of the citizens to venture on following Stephen's example; for they had evidently made no attempt to occupy the site of his encampment, but had set up all their machines and concentrated all their forces within the city, directing all their attacks upon the castle from thence, and taking no steps to prevent its garrison from communicating through the western sally-port with their friends outside.

to the West Gate

1217 — The main road from Torksey and Stow to Lincoln now enters the city south of the castle; but there is a branch road connecting it at Burton with an old Roman way which runs from Kirton-in-Lindsey and enters Lincoln by the West Gate; and this appears to have been the way taken by the Royalists. At some distance from the gate they halted, and the Marshal sent forward his nephew John to open communications with the garrison.[1] On his way John met Dame Nicolaa's lieutenant constable, Geoffrey de Serland, whom she had despatched from the castle secretly to tell the leaders of the relieving host how matters stood within, and that a "little door," or "postern at the back"—that is, the small door of the western sally-port, by which no doubt Geoffrey himself had gone out—was already open to receive them.[2] With this welcome message John Marshal hastened back; he was seen and chased by some Frenchmen, but escaped unharmed.[3] Two of the English barons who were in the city, Robert Fitz-Walter and Saer de Quincy the Earl of Winchester, rode out to reconnoitre as soon as the Royalists' approach was known. On their return they said: "These warriors come on in good order, but we are far more in number than they; let us go out to meet them at the ascent of the hill, and then we can catch them all like larks in a cage." The Count of Perche, however, who was in command of the French troops, was too cautious to act upon a report so vague and went out himself with another of the French leaders, to count the enemies, as he said, "according to the custom of France." He was, however, deceived in his reckoning; for each of the Royalist chieftains had two banners, one of which led his contingent in the fighting host while the other was with his baggage, so that the baggage, forming a separate group in the rear, looked like another army and was mistaken for such by the two Frenchmen, who went back doubting what was best to do. They finally decided to shut the city gates and thus, as they hoped, hold the city till they should have won the castle[1]; thinking that 1217 the English, with men and horses wearied from a long march, would not attempt to penetrate within the walls. When this movement came to the knowledge of the Marshal, he made it an argument for instant attack. "See, they retire behind their walls! The victory is ours already, when these men, ever foremost in tourney, hide themselves at our approach. Let us do the right, for God wills it!"[2]

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[1] *Hist. G. le Mar.*, ll. 16418-24.

[2] Cf. *ib.* ll. 16427-32 and R. Wend., vol. iv. pp. 21, 22.

[3] *Hist. G. le Mar.*, ll. 16434-60.

It was easy to introduce troops into the castle by the western sally-port; but it would not be so easy to pass the whole relieving force through the castle into the city. Bishop Peter of Winchester, who according to the Marshal's biographer "was the master in counselling our people that day,"[3] seems to have resolved on trying to ascertain for himself where a direct entrance into the city could be effected. He led his men up to the castle wall, bade them await him there, and with a single attendant entered the fortress. He found it greatly damaged by the long siege, and in such constant peril from the French mangonels and stone-casters, still actively at work, that its occupants begged him to withdraw from the great court into the shelter of the keep. Thence, after complimenting and encouraging the "good dame,"[4] he stole out, evidently by the small south door,[5] on a yet more hazardous reconnoitring expedition into the city, "wishing to see how it stood."[6] Looking about him, he caught sight of a gate "which joined the walls of the city with those of the castle," and which was "blocked with stone and cement." This was apparently the West Gate of the city.[7] The reason for which it had been blocked, whether this was done by the French or (as is more probable) under orders from Nicolaa[8] at

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[1] R. Wend., vol. iv. pp. 20, 21. Cf. *Hist. G. le Mar.*, ll. 16341-72.

[2] *Hist. G. le Mar.*, ll. 16373-97.

[3] *Ib.* ll. 16998-9.

[4] "Whom God preserve both in body and soul!" prays the Marshal's biographer, l. 16492. The other party called her "molt engigneuse e mal querans e vighereuse vielle," *Anon. Béthune*, quoted by Petit-Dutaillis, p. 148.

[5] *Hist. G. le Mar.*, vol. iii. p. clix.

[6] *Ib.* ll. 16467-510.

[7] On the "blocked gate" see Note II.

[8] The whole city above hill, except the minster precincts, was in the "bail" or jurisdiction of the castle.

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1217 an earlier period of the war, is not difficult to guess. Lincoln had more gates than could easily be guarded all at once;[1] if one of them was rendered impassable, there was one less to watch and defend. The sequel implies that the "stone and cement" were not so put together as to form a wall of solid masonry; probably the door on the inner side of the gateway had been closed and the obstruction piled up, rather than built up, on the outer side; if so, it might be cleared away without its removal being noticed inside the city until the door was forced open.[2] In all likelihood Peter's discovery of this possible entrance had really been made as he passed the outer side of the gate on his way to the castle, and the purpose of his daring venture was to learn whether its inner side was penetrable and unguarded. He found that it was so, and having made his way back safely to his friends, gave orders for the gate to be cleared out. His comrades of the host came to meet him joyously, "every man in the ranks singing as if the victory were already won"; Peter merrily told them that when they had gained possession of the city he should claim the bishop's house for his own residence, as a reward for having prepared them a safe way of entry.[3]

Possibly, however, the lay leaders may have been unwilling to stake the safety of their enterprise solely on the judgement of their episcopal counsellor; for it seems that while Falkes de Bréauté, with his own followers and all the cross-bowmen, was sent into the castle, the main body of the host went round to the north gate—the Roman "Porta Nova," "New Port," now reduced to a single great arch with a smaller one at its side, but in the Marshal's day probably still almost complete in the pristine strength of its solid Roman masonry, forming an arched passage flanked by two smaller passages, some twenty feet long,[4] and closed with heavy doors which the Royalists set to work to batter in.[5] The French party were plying their engines vigorously on the castle when suddenly 1217 they saw its walls and towers bristling with cross-bowmen; — and "as in the twinkling of an eye" a shower of quarrels, aimed with deadly effect at the destriers of the besiegers, reduced many knights and barons of high rank among them to the condition of foot soldiers. The sight of their discomfiture tempted Falkes to make a dash from the eastern gate of the castle into their midst, with some of his personal followers; he was, however, quickly surrounded and captured, but was gallantly rescued by his men.[1] Bishop Peter meanwhile was protesting to the Marshal against the folly—as he deemed it—of trying to force an entrance elsewhere than at the "safe" place where, as he said, there was an opening in the wall ready for use, yet hidden from and unguarded by the enemy. "By my head! those men are wrong; they have not found the right way to get in. I will lead you to it; come with me." "By God's sword! hither, my helmet!" was the Marshal's reply.[2] Peter however now held him back and proposed that before risking a general assault two men from each "battle" or division of the host should be sent to look around for ambushes.[3] This was done; but the Marshal was too impatient to await the result. He at once "put himself forward on his way," calling his own men to the onset: "Forward! Now shall ye see your enemies vanquished in a few hours; shame to him who longer delays!" Again Peter tried to check him, begging him to wait till the whole host

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[1] It had at least seven, without counting the two Bar-Gates beyond the river.

[2] I think this is to be inferred from *Hist. G. le Mar.*, ll. 16544-52; see Note II.

[3] *Hist. G. le Mar.*, ll. 16521-34.

[4] E. Mansel Sympson, *Lincoln*, pp. 24, 25.

[5] "At illi" [*i.e.* majores exercitus] "per eam" [the "little back door" of the castle, "posterulam quae propter adventum eorum fuerat jam aperta," cf. above,

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p. 36] "noluerunt omnes intrare, sed miserunt Falcasium cum agmine toto cui praeerat et cum balistariis omnibus, qui portam civitatis saltem unam exercitui aperirent. Deinde omnis multitudo ad portam se aquilonarem conferens illam confringere vacavit . . . Falcasius interim castrum cum agmine cui praeerat ac balistariis omnibus ingressus," &c. R. Wend., vol. iv. p. 22.

[1] R. Wend., *l.c.* See Note III.

[2] *Hist. G. le Mar.* ll. 16541-55. See Note III.

[3] "Mes soufrez que entor la tor Augent dui home tot entor De chascune de nos batailles Qui enquerront les repostailles," ll. 16563-66. *La tor* ought of course to mean the castle. But the castle was known to be surrounded on three of its sides by enemies in open action against it; to send men to look for "ambushes" round it seems therefore absurd, and would certainly have been impracticable. Can *la tor* be a scribe's error for *li mur*, and did the poet mean "round the walls of the city"? Or can "entor la tor" be a sheer blunder for something wholly different, and should ll. 16564-5 be construed together—"Let two men go all round each of our battles," &c.?

1217 could be reunited and the attack made in full force. The aged warrior would not listen; "swifter than a merlin he struck spurs into his horse, so that all who were with him gathered hardihood as they beheld him." A "valet" called after him that he was, after all, going without his helmet; "Stop here while I fetch it," said the Marshal to his son. In a moment he was back again, "and when he had thus covered his head, he was goodly to look upon beyond all the rest—light in movement as a bird, hawk or eaglet." "Hungry lion never rushed on its prey so hotly as the Marshal on his foes"; at the first onset he dashed three spears' length into their midst, cutting his way through them and scattering them on all sides, while Bishop Peter followed shouting "God help the Marshal!"[1]

By this time the stubborn attack on the north gate had succeeded, and all the Royalist forces thus poured in at once upon the besiegers of the castle,[2] who, although numerically stronger, were unable to withstand their onset,[3] aided as it was by the murderous fire which Falkes's cross-bowmen, from their vantage-ground on the castle wall, poured down upon the horses of the French knights, the animals falling "like stuck pigs" while the riders were captured without possibility of rescue.[4] The French force is said to have consisted of six hundred and eleven knights and full a thousand footmen; it is not quite clear whether this reckoning includes their English allies.[5] Yet, small as were the numbers engaged on both sides, the fight lasted from between seven and eight o'clock in the morning till nearly three in the afternoon.[6] It was protracted partly by the stubborn persistence of the two parties, who both alike felt that the destiny of England was involved in its result, and partly by the impossibility, in the steep and narrow streets of a city such as Lincoln, of bringing it to a decisive issue in one general encounter. It thus became a battle of the old-world epic type, full of separate incidents 1217 and individual encounters; and this peculiar character, together with the extraordinarily small amount of actual bloodshed and loss of life that took place in it, probably suggested the name afterwards given to by the victors—"the Tournament," or as the word is commonly but in this case perhaps less accurately rendered, "Fair of Lincoln."[1]

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[1] *Hist. G. le Mar.*, ll. 16567-16628.

[2] R. Wend., vol. iv. p. 22.

[3] *Hist, G. le Mar.*, ll. 16643-77.

[4] R. Wend., *l.c.*

[5] The poet in ll. 16335-40 excludes the English rebels from his reckoning; but in ll. 17026-7 he seems to include the English knights fighting on the French side in the six hundred and eleven. The *Hist. Ducs*, p. 191, makes only seventy French knights.

[6] R. Wend., vol. iv. p. 25.

The first recorded incident was one of good omen for the Royalists. Some of them found the enemy's chief engineer[2] working a stone-caster which hurled stones against one of the towers of the castle. Mistaking the new-comers for knights of his own party, he, all the more eagerly, placed a stone in his machine, but as he was giving the signal for its discharge they came up behind him and struck off his head.[3] The Marshal and the Earl of Salisbury "turned to the right, leaving a minster on their left,"[4] and came upon a cluster of enemies, one of whom, Robert of Ropsley, levelled his spear "to joust," and struck that of Longsword with such force that it shivered into fragments; but the Marshal gave him such a blow between the shoulders that he fell to the ground "and crawled away to hide himself." The fight swept onward almost to the brow of the hill on which the city was set, till on a level space near the great minster,[5] the French made a resolute stand under the direction of the Count of Perche.[6] He was only a youth, of scarce two and twenty years,[7] "handsome, tall, and noble-looking."[8] He stood at bay as bravely

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[1] "Nundinae," R. Wend., vol. iv. p. 25. See Professor Tout's article on "The Fair of Lincoln," *Eng. Hist. Rev.*, April, 1903, p. 241, note 2. Cf. also *Hist. G. le Mar.* l. 16334 (see above, p. 34).

[2] "Li lor mestre perreior."

[3] *Hist. G. le Mar.*, ll. 16630-42.

[4] That is, after going along what is now the street called Westgate to its junction with that now known as Bailgate (a portion of the old Ermine Street), they turned southward down the latter; the "church on their left" would be All Saints, near the angle formed by the junction of Bailgate and Eastgate. The cathedral church would have been called not "*un* moustier" but "*le* moustier," as in l. 16705.

[5] Obviously the space between the west front of the cathedral church and the east gate of the castle.

[6] *Hist. G. le Mar.*, ll. 16681-708.

[7] William the Breton, *Gesta Philippi Aug.*, c. 223.

[8] *Hist. G. le Mar.*, l. 16707.

1217 — as King Stephen had stood in somewhat like circumstances in the earlier battle of Lincoln; and for a while he and his men succeeded in checking the progress of the Royalists. By degrees, however, the French lost ground and began to fall back down the hill. Perche, with a few of his personal followers, alone kept his post, and was at last surrounded by almost the whole force of the English. They called upon him to surrender, but he refused with an oath, saying he would never yield to one of a race "who had been traitors to their king."[1] Reginald Croc, a knight of Falkes's household,[2] then levelled a spear at him and struck him in the eye. The Marshal, coming up at that moment, seized the bridle of the count's horse, "and it seemed right, as the count was the chief man on the French side." Perche dropped the bridle, took his sword in both hands, and struck with it on the Marshal's helmet three blows in quick succession, "so mighty that they dinted it visibly," and then suddenly fell from his horse. The Marshal thought he had fainted, "and feared that he himself should be blamed therefor." "Dismount and take off his helmet," said one of Perche's men, William of Montigny, "for it hurts him; but I doubt he will stand up no more." Croc's spear had in fact pierced through the eye to the brain, and when the helmet was removed the friends and foes who crowded round saw that the gallant youth was dead.[3]

Perche's comrades at once rushed down the hill[4] and rejoined the bulk of the French troops, to whom his heroism and the concentration of the English around his person had given a breathing-space of which they had made good use. They and their English allies had rallied in the lower town, and now came, in close array, up the hill, hoping to regain possession of its summit. Meanwhile the young Marshal had rejoined his father. "Are you hurt?" asked the Earl. "No, Sir." "Forward then! This day we will conquer, or chase them from the field." Attacked on their right flank by Chester and his "good folk" before they reached the hill-top, confronted when they did reach it by the Marshals, and shut in between the minster and the castle, the French, after another stubborn fight, were again driven down the slope; and this time they were chased right out of the city and through its southern gate, or Stone-Bow,[1] to Wigford Bridge.[2] There they made a last gallant stand, fighting with such desperate fury that "if God had spoken by thunder, He would not have been heard." Their pursuers were no less daring and impetuous: William Bloet, the young Marshal's standard-bearer, charged into the crowd on the bridge with such vehemence that he and his horse went sheer over into the river, only, however, to struggle out again with equal quickness and gallantry. Gradually the cry of "King's men! King's men!"[3] rose higher above the din. Saer de Quincy and his son Robert were taken; so was Robert FitzWalter; so were several other rebel barons;[4] at last the rest turned and fled across the suburb of Wigford by "the street which goes straight to the hospital"[5]—in other words, the whole length of the present High Street—till they reached the outer or furthermost gate of Lincoln.[6] This gate, known as the Great or Western Bar-Gate, protected the bridge by which the main road from Lincoln to the south crossed the great drain called the Sincil Dyke. Here the fugitives were checked by a double obstacle. The bar of the gate was so constructed that the gate closed of itself after every individual who passed in or out. Just as the foremost of them reached it, a cow tried to enter, and, the gate falling upon her, stuck fast, so that egress was altogether impossible till the animal was slain; and even then, as there was apparently no means of fixing 1217

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[1] R. Wend., vol. iv. p. 23.

[2] *Ib.* p. 24.

[3] *Hist. G. le Mar.*, ll. 16729-68.

[4] "Aval une rue a senestre S'en tornerent vers Wikefort," ll. 16774-5. Perche and his men had evidently been fighting with their backs towards the east front of the minster, so that the "street on their left" would be the main road—Ermine Street, Steep Hill, High Street—running down due southward "towards Wigford" as the poet says.

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[1] The present Stonebow was built in the fifteenth century, but the name "Stan-bogh" occurs in a document dating from 1220-1230. Sympson, *Lincoln*, pp. 384, 425.

[2] *Hist. G. le Mar.*, ll. 16777-828. Wigford Bridge is now called the High Bridge.

[3] "Reials! reials!" l. 16903.

[4] "Dont point ne m'ennuie," contemptuously says the Marshal's biographer, l. 16939.

[5] See Note IV.

[6] *Hist. G. le Mar.*, ll. 16830-944.

1217 the gate open, each man as he came up had to dismount and open it for himself.[1] The unhappy fugitives might, it seems, have been captured or even slain almost to a man, had their pursuers so willed it; but many of them were English, and the ties of blood restrained their kinsmen in the royalist host from carrying the pursuit to extremity.[2] Notwithstanding this forbearance, however, a large number of prisoners were captured.[3] Among these were nearly all the English barons who had sided with Louis;[4] no less than seven were taken by John Marshal, and several by Bishop Peter and his men;[5] forty-six in all are named by contemporary historians;[6] and the prisoners of knightly rank numbered three hundred,[7] besides many others of lesser degree. Those who escaped "stopped neither by night nor by day, in town or house, for they thought that on every hill-side and in every dale the bushes were all full of Marshals."[8] Only three of the "great men" among the French—Simon of Poissy, Hugh the castellan of Arras, and Eustace de Merlinghem the constable of Boulogne—reached London with some two hundred knights.

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[1] See Note IV.

[2] R. Wend., vol. iv. p. 23.

[3] *Ib.*, *Hist. G. le Mar.*, ll. 17002-20.

[4] *Hist. Ducs*, p. 194.

[5] *Hist. G. le Mar.*, ll. 16997-17018.

[6] Saer de Quincy (Earl of Winchester), Henry de Bohun (Earl of Hereford), Gilbert of Ghent, Robert FitzWalter, Richard de Montfichet, William de Mowbray, William de Beauchamp, William Mauduit, Oliver D'Eyncourt, Roger de Cressy, William de Coleville, William de Ros, Robert de Ropsley, Ralf Chaineduit, R. Wend. vol. iv., pp. 23-24; to these the continuator of Gervase of Canterbury (vol. ii. p. 111) adds Robert FitzWalter's son, Gilbert de Clare, Gerard de Furnival, Stephen and Maurice of Ghent, Nicolas and Eustace de Stuteville, Warin de Montchensy, Ralf and Roger de Tony, Geoffrey de Say, Henry and Philip, sons of Earl David (of Huntingdon), William de Huntingfield, William de Hastings, Nicolas de Kennet, Robert de Grilley, Robert of Newburgh the constable of Hedingham, John of Bassingbourne, Ralf Murdac, Anselm de Kent, William de Fiennes, Geoffrey and Walter de St. Leger, Henry de Braybroke, Adam FitzWilliam, Simon de Kime, Walter de Thinham, Robert Marmion the younger, John of St. Helen's, William Martel, and John of Sanford. The *Chron. Merton* (Petit-Dutaillis, p. 514) gives the total number as fifty-two. One of those enumerated above, however—Henry de Braybroke—is said by the Dunstable Annalist (p. 49) to have escaped with Simon de Poissy. Earl William de Mandeville and the constable of Chester also escaped; *Hist. Ducs*, p. 195.

[7] R. Wend., vol. iv. p. 24. Cont. Gerv. Cant., *l.c.* In W. Cov., vol. ii. pp. 237, 238, the number is given as three hundred and eighty, but avowedly only on hearsay.

[8] *Hist. G. le Mar.*, ll. 16965-69.

The foot-soldiers were nearly all slain by the country folk who came out "with swords and staves" to intercept their flight.[1] In the actual battle only five men had been slain; on one side the Count of Perche, two of his knights,[2] and a man-at-arms whom no one recognized; on the other, Perche's slayer, Reginald Croc.[3] 1217

Unhappily, the English sullied their victory by sacking Lincoln. Not content with seizing the baggage and valuable goods of the French nobles and the rebel barons, which they found piled up in waggons in some of the streets, they "despoiled the whole city, even to the uttermost farthing"; and on the strength of Gualo's exhortation to treat the canons of the cathedral chapter as excommunicate (owing to their having been throughout the war in opposition to the King), they plundered every church, breaking open chests and presses and carrying off plate, jewels, vestments, and money; the precentor of the cathedral lost eleven thousand marks. Many women fled from the city with their children and household goods, and sought to escape in boats, but through their overcrowding and ignorance of rowing all the little vessels capsized, the occupants were drowned, and the goods became the prize of anyone who fished them up from the bottom of the river.[4] All these things were done after the Marshal had left the city. As soon as the fight was over he and the other leaders held a council to consider what they should do next. Some were for marching on London, some for trying to dislodge Louis from Dover. As they could not agree, the Marshal with his usual practical good sense bade them all go home and place their respective prisoners in safety, and meet him again, with the Legate, on a day which he named, at Chertsey,[5] or, according to another account, at Oxford.[6] He then, without stopping even to eat, hurried with his tidings of victory to the King and the Legate at Nottingham. Thither, next morning, came news of another gain to the royal cause; the garrison of Mountsorel, whose constable, Henry de Braybroke, had gone with Saer de Quincy to Lincoln, had *Trinity Sunday, 21 May*

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[1] R. Wend., vol. iv. p. 26.

[2] M. Paris, *Hist. Angl.*, vol. ii. p. 213.

[3] R. Wend. vol. iv. p. 24.

[4] *Ib.* pp. 24, 25.

[5] *Hist. G. le Mar.*, ll. 17031-68.

[6] *Hist. Ducs*, p. 195.

1217 fled and left the castle deserted.[1] The Earl of Salisbury appears to have been sent to secure it for the King; two days
23 *May* later an order was issued to him from Lincoln, in the King's name, to deliver it to Earl Ranulf of Chester,[2] who forthwith razed it to the ground.[3]

On Thursday, 25th May,[4] the news of the Fair of Lincoln reached Louis in his camp before Dover. He took counsel with his friends; and they all agreed that he must raise the siege, concentrate in London, and send to France for reinforcements. Unwillingly he caused his trebuchet to be taken down, and prepared to withdraw, but determined to stay over Sunday 28th, "to see whether he would get any news." On the Sunday "it was very clear at sea, and looking towards Calais they saw many ships with their sails set, whereof they
29 *May* rejoiced greatly." Next day the ships "came sailing over the sea right merrily, to the number of full six score." The English, when they saw them, hoisted their sails and put to sea; the French set off in chase, but finding they could not catch them put about again and made straight for Dover. The English then put about likewise, overtook the hindermost ships of the French fleet, and captured eight of them; the rest got safe into the harbour, and were met by Louis on the beach. To his great disappointment and rage, however, he found that, except one large vessel in which were eighteen knights, they brought nothing but sailors, merchants, and
30 *May* men-at-arms. Next day he sent them all back again, with two messengers charged with letters to his father. Then he set fire to "all the ships which were ashore before the haven," and betook himself to Canterbury and thence to London, where he arrived on Thursday, 1st June.[5]

The Royalists meanwhile had advanced by way of Windsor and Staines to Chertsey;[6] thence they made secret overtures to some of the leading citizens of London for the surrender of the city. Tempted on the one hand by the promise of a confirmation of its liberties "under the King's seal," and terrified on the other hand by the fate of Lincoln, London was clearly beginning to waver; and Louis, on discovering these secret negotiations, could only secure himself in the city by closing all its gates save one and insisting upon a renewal of homage from the citizens to himself.[1] At the beginning of June the Archbishop of Tyre, who had come to Europe to preach a crusade, arrived in England from France, accompanied by the abbots of Citeaux, Clairvaux, and Pontigny, and endeavoured to reconcile the contending parties.[2] Several parleys were held,[3] and a draft treaty was actually prepared[4] and seems to have been discussed between four of Louis's counsellors and four of Henry's, who met, accompanied by twenty knights of each party, between Brentford and Hounslow,[5] on 13th June. But the meeting proved useless because Louis insisted upon including in the peace four clerks whose conduct had been, alike in an ecclesiastical and a political point of view, so outrageous that the Legate absolutely refused to admit them to any terms without previously consulting the Pope.[6] The unsuccessful mediators returned to France at the end of the month.[7] 1217

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[1] R. Wend., vol. iv. pp. 25, 26.

[2] *Pat. Rolls*, vol. i. p. 64. The Marshal was back at Lincoln on the 22nd; *Close Rolls*, vol. i. p. 308 b.

[3] R. Wend., vol. iv. p. 26. *Ann. Dunst.*, p. 50.

[4] *Hist. Ducs*, p. 195, says "le joesdi apries le Pentecouste" instead of after Trinity; but this is a mistake caused by the writer having dated the battle a week too early; see above, p. 34, note 6.

[5] *Hist. Ducs*, pp. 195, 196.

[6] *Ib.* pp. 196, 197.

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[1] *Ann. Wav.* a. 1217.

[2] *Hist. Ducs*, p. 197. The three abbots had letters of safe-conduct from the king, who with the host was now at Reading, on 6th June; *Pat. Rolls*, vol. i. p. 68.

[3] *Hist. Ducs*, *l.c.*

[4] *Rer. Gall. Scriptt.*, vol. xix. p. 636.

[5] Safe-conduct, dated 12th June, *Pat. Rolls*, vol. i. p. 69.

[6] They were Simon de Langton, Archdeacon of Canterbury and brother of the Primate; Gervase of Hobrigg, Dean of S. Paul's, London; Robert of S. Germain, a clerk of the King of Scots; and Master Elias, a clerk of the Archbishop of Canterbury. From the beginning of the war these men had set the Papal authority at defiance, and they were now preaching at Paul's Cross to the people and "giving them to understand that the Royalists were excommunicate and that Louis and his men were good folk, wrongfully excommunicated by the Pope." *Hist. Ducs*, pp. 197, 198. See the Archbishop of Tyre's letter in *Rer. Gall. Scriptt.*, vol. xix. pp. 636, 637, and cf. *Hist. Ducs*, p. 198, and ~~W. Cov., vol. ii., p. 238.~~ 6

[7] They had a safe-conduct to the sea on 21st June; *Pat. Rolls*, vol. i. pp. 70, 71.

1217 Meanwhile Falkes de Bréauté had taken Lynn.[1] On 23rd June the sheriffs were ordered to publish the Charter in their shires and see that it was put in execution.[2] The King and his council then withdrew to Gloucester;[3] and it was probably during their temporary absence from the neighbourhood of London that Louis sent the Viscount of Melun and Eustace de Neville on a plundering raid into East Anglia, whence they returned laden with the spoils of the famous abbey of S. Edmund.[4]

This raid was evidently a desperate expedient for obtaining supplies. Cooped up in London, Louis and his men were in need of everything; and Philip Augustus shewed no inclination to send them help of any kind.[5] Months before, if we may believe the Marshal's biographer, the French King, when he heard that John was dead, his son crowned, and the Marshal in charge of the realm, had declared that further effort was useless. "We shall take nothing in England now; that brave man's good sense will defend the land—Louis has lost it. Mark my words! When the Marshal takes the matter in hand, we are undone."[6] As Philip had from the outset refused to countenance his son's enterprise openly, so now he connived at, rather than assisted, the efforts of his daughter-in-law, Blanche of Castille, to collect money and troops for Louis.[7] Blanche scoured the country in her husband's behalf, pleading his cause so energetically that a contemporary says, "if those whom she enlisted had all gone to England in arms, they might have conquered the whole kingdom."[8] The force which her efforts finally brought together at Calais numbered, however, only about a hundred—or at the utmost three hundred—knights.[9] Several times, while they lay encamped on the shore, some English ships sailed up to the harbour and discharged arrows at them; and once, at least, a great fight took place, in which the English were signally worsted. Another night the French actually crossed the Channel and anchored off Dover, intending to sail thence round to the mouth of the Thames; but in the morning, as they were about to set forth, a storm overtook them and drove them back panic-stricken to the coast of Flanders.[1] 1217

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[1] Before 22nd June; *Pat. Rolls*, vol. i. p. 71. [2] *Foedera* I. i. p. 147.

[3] They were there 1-6 July; *Pat. Rolls*, vol. i. pp. 77-79.

[4] *Hist. Ducs*, p. 198. [5] R. Wend., vol. iv. p. 27.

[6] *Hist. G. le Mar.*, ll. 17085-103. The monstrous version of Philip's speech given by M. Paris, *Hist. Angl.*, vol. ii. p. 216, is beneath notice except as an illustration of Matthew's own character as an historian.

[7] R. Wend., vol. iv. pp. 27, 28. See also the curious story in *Récits d'un Ménestrel de Reims*, pp. 157, 158.

[8] *Hist. G. le Mar.*, ll. 17117-24. Cf. *Ann. Dunst.*, p. 50.

[9] One hundred, *Hist. Ducs*, p. 198; three hundred, R. Wend., vol. iv. p. 28.

On 4th July the King's guardians issued from Gloucester a summons for a council to be held at Oxford on the 15th. It seems not to have actually met till a week later; and on 26th or 27th July the King and the Marshal returned to Gloucester, after issuing (22nd July) a summons for another assembly to be held at Oxford on 6th August.[2] The royal forces were increasing more and more. Two great nobles had joined them since Louis's return to England—the Earl of Warren before 22nd June, and the Earl of Arundel before 14th July[3]—and nearly one hundred and fifty rebels submitted between the end of May and the beginning of August.[4] When the host re-assembled at Oxford[5] all was ready for the final struggle. From Oxford they moved to Reading, and thence to Farnham;[6] there, it seems, the leaders separated, the Legate and the King going northward again with one part towards London, while another part under the Earl Marshal and the justiciar made for the Kentish coast to prepare for its defence against the expected French fleet.

From Dover the Marshal summoned the men of the Cinque Ports to arm and assemble their ships at Sandwich. The aged warrior was eager to go forth in person and encounter the French at sea, but his men would not suffer it; he must stay on shore, they said, "for if it chanced that he were slain or captured, who then would defend the land?"[7] On S. Bartholomew's eve he, with the Earl of *Wed., 23 Aug.*

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[1] *Hist. Ducs*, pp. 198, 199. [2] *Close Rolls*, vol. i. pp. 336, 314 b, 317, 336 b.

[3] *Pat. Rolls*, vol. i. p. 71; *Close Rolls*, vol. i. p. 314.

[4] Petit-Dutaillis, p. 157. See especially *Close Rolls*, vol. i. pp. 310-312.

[5] August 7-13; *Close Rolls*, vol. i. pp. 317 b-319 b.

[6] Reading, August 14th; Farnham, August 15th. *Ib.* p. 320.

[7] *Hist. G. le Mar.*, ll. 17167-210. Of this, again, Matthew Paris (*Hist. Angl.*, vol. ii. pp. 217, 218) has a version which is obviously a mere romance of

1217 — Warren, King John's elder son Richard,[1] Philip d'Aubigné, and a host of other "good knights," lay encamped near Canterbury. They "slept little," for they all knew that the morrow might prove a day almost as momentous as that 24 Aug. of Senlac. At early dawn they marched to Sandwich. The day broke clear and bright, with a "soft and pleasant" wind which soon brought into view the armament coming from Calais.[2] It consisted of some eighty vessels of various sizes;[3] ten of them were large ships of war, fully armed,[4] of which four were filled with knights and six with men-at-arms; the smaller vessels carried accoutrements and other goods.[5] Among the knights were some of the noblest and bravest men of France;[6] those of highest rank and fame, thirty-six in number, together with the treasure which Blanche was sending to her husband, were in the ship of Eustace the Monk, who seems to have been in command of the whole fleet.[7] The vessels were making for the mouth of the Thames,[8] and as they swept round Thanet in close array as if ready for a fight, Eustace's ship leading,[9] their number and character could be plainly distinguished by the Royalists drawn up on the shore, as well as by the sailors who manned the English ships in Sandwich harbour.[10]

At the eleventh hour the Marshal's plan of campaign all but broke down. The English fleet was ready; but it comprised only eighteen, or at the utmost twenty-two, ships of any size, with some smaller ones to the number of about twenty more;[11] and the sight of the enemy's superior fleet

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his own, devised—as needlessly as clumsily—to exalt Hubert de Burgh at the expense of the Marshal.

[1] Son of Warren's sister; see *Hist. Ducs*, p. 200.

[2] *Hist. G. le Mar.*, ll. 17262-85.

[3] So say Roger of Wendover, vol. iv. p. 28, and the *Hist. Ducs*, *l.c.* The Marshal's biographer, ll. 17293-4, says three hundred, but this does not tally with our accounts of the smallness of the force which the fleet had to bring over.

[4] "Batellies."

[5] *Hist. Ducs*, *l.c.*

[6] See the list in *Hist. Ducs*, p. 201.

[7] Cf. *Hist. Ducs*, *l.c.*, and *Hist. G. le Mar.*, ll. 17160, 17290-91, and 17365-76.

[8] *Hist. Ducs*, *l.c.*

[9] *Hist. G. le Mar.*, ll. 17286-90.

[10] *Hist. Ducs*, *l.c.*

[11] Cf. *Hist. Ducs*, *l.c.*, *Ann. Wav.*, a. 1217, *Hist. G. le Mar.*, ll. 17214-15, and R. Wend., *l.c.*

struck such terror into the sailors that they lost their heads 1217 completely, left their ships with the sails all hoisted, and took refuge in their little boats.[1] Once more the Marshal appealed to them as only he could appeal. Again he offered to go with them; but again his own men forbade it.[2] Then by a characteristic exhortation he shamed the mariners out of their fears. "God has given us one victory over the French on land. Now they are coming again, to claim the country against Him. But He has power to help the good on sea as well as on shore,[3] and He will help His own. You have the advantage in the game; you will conquer the enemies of God!"[4] The impressionable sailors caught a new spirit from the landsmen who, fresh from their victory over superior numbers at Lincoln, were fearless of the risk of another encounter at similar odds.[5] One ship was quickly filled with the Marshal's own followers, under his nephew John;[6] Richard the King's son went on board another with a company of knights;[7] a third was occupied by Earl Warren's men, the Earl himself remaining on shore with the Marshal;[8] Philip d'Aubigné probably commanded a contingent from the Channel Isles. Hubert de Burgh seems to have joined the muster by sea, coming from Dover in "a fine ship" of his own,[9] and to have taken the supreme command.

The skill and energy of the English sailors quickly atoned for their momentary panic. Though wind and tide were both against them,[10] they came up in the rear of the French fleet just as it reached the mouth of the estuary. For a moment the leading English ship—that of Hubert—seemed about to close with the enemy; then it suddenly shot forward, as if the commander's purpose were not to give battle, but to avoid it.[11]

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[1] *Hist. G. le Mar.*, ll. 17234-44.
[2] *Ib.* ll. 17245-56.
[3] "Mes Dex e en terre e en mer
A le poeir d'aidier as buens;
Donques aidera il as suens," ll. 17322-24.
[4] *Ib.* ll. 17313-28.
[5] R. Wend., vol. iv. p. 28.
[6] *Cf. ib.* and *Hist. G. le Mar.* ll. 17309-10.
[7] *Hist. G. le Mar.*, ll. 17307-8; *Hist. Ducs*, p. 201.
[8] *Hist. Ducs*, *l.c.*
[9] *Hist. G. le Mar.*, ll. 17302-6.
[10] *Ib.* ll. 17329-31; R. Wend., *l.c.*
[11] *Hist. G. le Mar.*, ll. 17354-58. Cf. M. Paris, *Hist. Angl.*, vol. ii. p. 219.

1217 On seeing this, the French shifted their sails, and with insulting cries of "*La hart! la hart!*"—a call with which huntsmen were wont to urge their hounds after the quarry—turned round to the attack, their line still headed by the ship of Eustace the Monk.[1] This was probably the largest and most formidable vessel of the French fleet; but it was overloaded; it carried, besides its freight of men and treasure, some valuable horses for Louis, and a trebuchet; and in consequence, it lay so deep in the water that the waves almost overflowed its deck. Sir Richard the King's son laid his ship alongside it at once; Earl Warren's men quickly brought up their ship on its other side. This latter ship was only a cog, or fishing vessel; but being light it stood high above the water, and its occupants were thus able to cast down potfuls of lime and stones on their adversaries' heads, with blinding if not deadly effect.[2] Meanwhile the armed galleys of the English fleet, few though they were in number, were doing fatal execution on some of the other French ships, piercing them with their iron beaks and sinking them. Now, too, the French had the wind in their teeth, and it carried into their faces clouds of quicklime thrown up into the air by the English. Moreover, Philip d'Aubigné had with him a company of crossbowmen whose arrows wrought havoc among the enemy.[3] At length a man-at-arms from Guernsey, Reginald Payne, leaped from the deck of the cog to that of Eustace's ship with such an impetus that in alighting he knocked down a French knight, William des Barres; in another moment he had prostrated a second foeman of rank and disabled a third; amid the confusion thus created all the fighting men on the cog followed him, and Eustace's ship was captured with all on board.[4] On seeing this the remaining French ships took to flight. The victors chased them all the way back to Calais.[5] Only fifteen vessels—the largest in the fleet except that of Eustace—reached the harbour; of the lesser ones many were taken[6] and the rest

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[1] *Hist G. le Mar.*, ll. 17360-65.

[2] *Ib.* ll. 17377-404. Cf. *Hist. Ducs*, pp. 201, 202.

[3] R. Wend., vol. iv. p. 29.

[4] *Hist. G. le Mar.*, ll. 17405-433.

[5] *Ib.* ll. 17463-82.

[6] Hubert de Burgh came back with two of them in tow; *ib.* ll. 17505-08.

1217 sunk.[1] The slaughter was frightful; only thirty-two men, all of high rank and renown, were retained as prisoners on the ship which had belonged to Eustace, and even these were with difficulty saved by the English knights from the fury of the men-at-arms and sailors whose valour had won that great prize.[2] On every other captured vessel only a man or two were left alive; the rest were slain and "flung to the fishes for food."[3]

When the fight and the chase were over and the prizes all towed into Sandwich, one prisoner was missed: Eustace the Monk. After a long search he was found hiding in the hold of his ship[4] from the universal hatred of which he knew himself to be the object, not only as the commander of the hostile fleet, but still more as a traitor of the deepest dye and a man of infamous character in every respect. He offered to give his captors ten thousand marks and to serve King Henry faithfully if they would grant him his life, "but it could not be." One Stephen, a seaman of Winchelsea, who had sailed with him in earlier days when he was in the service of King John, flung in his face a recital of all his misdoings on land and sea, and bade him choose whether to have his head cut off on the ship's deck or on the trebuchet. "Neither alternative was sweet," says a contemporary writer with grim sarcasm; "anyway, they cut off his head. That was his festival day."[5] The severed head was afterwards stuck on the point of a spear and carried round the neighbourhood, to shew the people, who had long lived in terror of the ruthless

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[1] Cf. *Hist. Ducs*, p. 201, and *Ann. Wav.* a. 1217.

[2] *Hist. G. le Mar.*, ll. 17507-62.

[3] *Ib.* ll. 17473-80. The poet says, speaking "apres cels qui virent," that there were full four thousand Frenchmen slain, besides those who sprang overboard and were drowned (Cf. R. Wend., vol. iv. p. 29). But he adds "Je n'i fui pas; ci m'en descombre De dire ce que nuls ne seit," ll. 17491-97.

[4] R. Wend., *l.c.*

[5] *Hist. G. le Mar.*, ll. 17434-55, and *Hist. Ducs*, p. 202; cf. R. Wend., vol. iv. pp. 29, 30. This last says it was Richard the king's son who answered the inveterate turncoat's offers of ransom and service by exclaiming "Nunquam de caetero falsis tuis promissionibus quenquam in hoc saeculo seduces, proditor nequissime," drawing his sword and striking off his head. The French account seems more probable, as I think we may safely identify the "Stephen Trabe" (or "Crave") of the *Hist. Ducs* with the poet's "Stephen of Winchelsea."

1217 freebooter, that he was really dead.[1] The prisoners were sent to Dover to be put in ward in the castle under the charge of Hubert;[2] Philip d'Aubigné was despatched to carry news of the victory to the Legate and the King;[3] the Marshal stayed to superintend the division of the spoils. There was a large quantity of valuable things, money, plate, clothes, horses, arms, harness, provisions of various kinds; the Marshal contrived to distribute these in such a way that every man thought his own share better than that of his fellows, and yet to leave a residue which, with the hearty assent of the sailors, he devoted to the foundation of a hospital for "God's poor," in honour of the Saint on whose festival day the victory had been won.[4]

The Fair of Lincoln had, as a contemporary writer emphatically says, "destroyed the [rebel] barons."[5] It had deprived Louis of the bulk of his English allies, and left the French conquest of England to be accomplished, if accomplished at all, solely by French hands. Had the French reinforcements effected a landing and defeated the Royalists in one battle, such a conquest might still have been possible. But when the tidings of that S. Bartholomew's day reached Louis, he at once saw that his cause was lost.[6] While the Marshal's division of the English host was in Kent, the other division, with the Legate and the young King, had encamped round about London, more closely than the Royalists had yet approached the capital since Louis's return. Gualo seems to have placed Henry with his mother in the safe shelter of Windsor castle while he himself ventured as near to London as Kingston; one day, however, a report reached him that the French were sallying forth to attack him, whereupon he rode hastily back to Windsor. This French sally may have been the "very fine raid, wherein the lesser folk won much gain," which is said to have been made about this time by the young Duke of Brittany. Again there was ineffectual talk of peace. Then the Legate proposed a siege of the city; but for this the lay leaders deemed their forces insufficient, and they retired each man to his own quarters. Another unsuccessful attempt at pacification, made by a Cistercian monk who was one of the Pope's penitentiaries, was followed by a meeting of the Queen-mother and the Count of Nevers, between Windsor and London; "they spoke amicably, and parted amicably, but without making peace." Louis was so conscious of peril that he removed from the bishop's house to the Tower, "to be more in safety."[1] The news of the battle of Sandwich reached him late on the evening of Saturday, 26th August. On Monday, 28th, Robert of Dreux went under a safe-conduct from the King to speak with the Marshal at Rochester; next day one of the newly-captured French knights, Robert de Courtenay, was allowed to go to London to speak with Louis, Dreux remaining as a hostage in his stead.[2] After consulting with Courtenay and others, Louis decided to ask for a parley with William the Marshal in person.[3] 1217 —

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[1] *Hist. Ducs*, p. 202.

[2] *Hist. G. le Mar.*, ll. 17572-76.

[3] R. Wend., vol. iv. p. 30.

[4] *Hist. G. le Mar.*, ll. 17510-68. The date is confirmed by *Hist. Ducs*, *l.c.*, R. Wend., vol. iv. p. 28, and W. Cov., vol. ii. p. 238; the *Ann. Wav.*, a. 1217, erroneously make it the eve, instead of the day, of S. Bartholomew—"X. kal. Septembris."

[5] "Destructi sunt barones apud Lincolniam." *Chron. Merton*, Petit-Dutaillis, p. 514.

[6] R. Wend., vol. iv. p. 30.

William took counsel with the other Royalists; "and there were some who spoke rightly bravely, though they had kept away from the coast in the hour of need." These men said: "We do not want to conciliate Louis. The only parley we want is a siege of London." But the valiant men who had been in the fight were wiser; they besought the Marshal to get the French out of the country "and not to let lack of money be a hindrance, for they would help him to the utmost of their power, with their hearts and bodies and possessions." He therefore agreed to go and parley with Louis.[4] He took with him, however, all the Royalists who had accompanied him into Kent; and the whole English host, thus reunited, now blockaded the city by land, while on 1st September the "barons" of the Cinque Ports were bidden to bring all their ships to the mouth of the Thames for the King's service,[5]

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[1] *Hist. Ducs*, pp. 199, 200.

[2] *Ib.* p. 202.

[3] *Ib.* Cf. *Hist. G. le Mar.*, ll. 17634-41.

[4] *Hist. G. le Mar.*, ll. 17642-76.

[5] *Pat. Rolls*, vol. i. p. 89.

1217 — thus cutting off the capital from all chance of communication by sea. It was obvious that if Louis did not make terms at once, he would speedily be starved into unconditional surrender.[1] He took a course which was not only safer, but also more honourable both for himself and his adversaries, when he met the Marshal and the Justiciar in conference 5 *Sept.* outside London. He frankly committed himself into their hands and those of the Legate, requesting them to dictate their own terms, on the sole condition that those terms should be such as would neither dishonour him nor offend his companions in arms.[2]

The Marshal and the Justiciar returned to Windsor, and Louis to London. From that night—Tuesday, 5th September—till Saturday, 9th, he waited in vain for their expected propositions; then, on the advice of his barons, he determined to make a sally early next morning and try 9 *Sept.* to cut his way out. Late on the Saturday night, however, as they were about to separate and make their preparations for the morrow's venture, a letter was brought to him from the Marshal asking for a day's truce and requesting that Hugh de Malaunay might be sent to speak with the Marshal and the council. Both these requests Louis granted. A parley was then fixed for Tuesday (12th September), and a prolongation of the truce till Thursday (14th) was guaranteed by the Queen, the two William Marshals, the Earls of Salisbury, Warren, and Arundel, and some other magnates. Malaunay returned on Monday, 11th, and "told Louis what he had got."[3] It was evidently something of great importance, for Louis at once "summoned his whole council, and the barons of England who held with him, and the citizens, and asked their advice upon it; and they all approved it."[4]

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[1] R. Wend., vol. iv. p. 30; cf. W. Cov., vol. ii. p. 239.

[2] "Ludowicus in arcto positus significavit Legato pariter ac Marescallo quod ipse voluit consilio eorum in omnibus obedire, ita tamen quod salvo honore suo et sine suorum scandalo pacem congruam providerent," R. Wend., *l.c.* "Looys parla a eus" [the Marshal and the Justiciar] "e il li orent en couvent que il se peneroient en boine foi de la pais faire, e tele qui honnerable li seroit," *Hist. Ducs*, p. 203.

[3] "Si conta a Looys che que il ot trouvé."

[4] *Hist. Ducs*, pp. 203, 204. Cf. *Hist. G. le Mar.*, ll. 17683-90, where however it is asserted that the French kept their English allies out of the council, "not wishing them to know their secrets."

What Malaunay had brought was evidently the definite offer of terms for which Louis had asked. Louis had put himself—"saving his honour"—into the hands of the King's guardians; "therefore," as a contemporary English historian says, "they, with whom the whole matter rested, and who desired above all things to get rid of Louis, sent back to him a certain form of peace drawn up in writing;[1] to which if he consented, they would undertake to secure for him and his adherents a safe departure from England; if not, they would use their utmost efforts to compass his ruin."[2] The terms which they offered seem to have been these: The adherents and allies of Louis in England, Henry and his adherents, London and the other towns, were all to have their respective rights and lands as they had them at the beginning of the war. (A later clause explained that this provision was not to apply to clerks, except as regards lay fees held by them.) Prisoners on both sides, taken since Louis's coming to England, to be set free; those taken earlier, to be released if three persons, to be chosen by Henry's council from the council of Louis, should swear that they were Louis's men on the day of their capture; for all prisoners, ransoms already paid to be kept; ransoms now due to be paid; ransoms not yet due to be remitted; and all disputes to be settled by the aforesaid three. All English prisoners, and other English subjects who were in arms against King John, to give security for their fidelity to Henry, by homage, oaths, and charters, according to the custom of England. Money for the payment of which hostages had been given to Louis was to be paid at once, if the date fixed for the payment had arrived, and the hostages were to be restored. All cities, lands, and other property which had been forcibly occupied in England were to be restored to the King or other owners. Louis was to send letters to the brothers of Eustace the Monk bidding them restore to Henry the islands (some of the Channel Isles) which Eustace had seized; if they failed to do so, Louis was to distrain the lands which they held of 1217 —

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[1] "At illi, in quibus totum pendebat negotium, et qui Lodowici liberationem supra modum desiderabant, quandam pacis formam in scripto redactam ei remiserunt." I am conscious that my rendering of *Lodowici liberationem* is a bold one but I believe it conveys the real meaning better than a strict translation.

[2] R. Wend., vol. iv. p. 30.

1217 him; and if they were then still contumacious, they were to be outside this peace. Louis and Henry were each to send a copy of the peace to King Alexander of Scotland, and he, if he wished to be included in it, was to restore all castles, lands, and prisoners, taken by him during the war. Louis was to send a copy, on the same conditions, to Llywelyn and the other Welsh princes. Louis was to quit-claim to all the barons and men of England all homage, fealty, confederations, and alliances, and never henceforth to make, on account of this war, any confederation which might at any time cause damage to the English King. The barons of England were to swear to Henry that they would enter into no confederation or undertaking against him or his heirs, with Louis or with any other person. Louis was to take his corporal oath, and his men with him, and such of them as the King's council should choose were also to pledge themselves individually by charters, that they would keep this peace firmly and faithfully; and Louis was to do his utmost to obtain confirmation of it from the Pope.[1] All debts now due to Louis were to be paid.[2]

Well might Louis and his counsellors "all approve" this draft treaty. Even if it was not—as in all likelihood it was—accompanied by a verbal intimation of the Marshal's willingness to pay Louis an indemnity in money, still the terms were much less hard than they had expected.[3] The issue of the next day's conference was now a foregone conclusion.[4]

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[1] "Item, Dominus Ludovicus faciet juramentum corporale, et sui cum eo, et cartas suas facient singuli quos consilium domini Regis voluerit, quod pacem praescriptam firmiter et fideliter tenebunt; et ad impetrandam super hoc confirmationem Domini Papae et Domini Legati apponet legale posse suum per preces." *Foedera* I. i. p. 148; D'Achéry, *Spicilegium*, vol. iii. p. 586. Why Louis should be specially charged with the duty of obtaining confirmation of the peace from the Pope, and still more from the Legate, when the latter was at the head of those who were actually dictating its terms, is one of the many puzzles connected with the treaty of Kingston. The Pope, however, did confirm the treaty, on 13th January, 1218, and he says expressly that he did so at the request of Louis; *Foedera* I. i. p. 149.

[2] On the document summarized above see Note V.

[3] "Cum autem forma pacis ad Ludovicum pervenisset, audienda et inspicienda, placuit, timens multa deteriora." *Flores Hist.*, vol. ii. p. 165.

[4] Roger of Wendover, vol. iv. p. 31, says that Louis after discussing the draft with his friends sent to ask for a conference; but the *Hist. Ducs*, p. 203, dis-

1217
12 Sept.

The meeting took place in an islet in the Thames, opposite Kingston.[1] The Royalists drew up on one side of the river, the French on the other. Louis and his counsellors entered a boat and were rowed to the island, where they found the Queen, with the Legate "clad all in scarlet," the Marshal, and the other members of the English King's council, as well as the King himself.[2] Louis and his men swore on the Gospels, first of all, that they would stand to the judgement of the Church and be faithful to Church and Pope from that day forward.[3] Then they swore to the conditions of peace already set forth,[4] Louis adding a promise that he would, if possible, induce his father to restore to Henry his rights beyond the sea. Henry then laid his hand on the Book, and, together with the Legate and the Marshal, made oath to restore to the barons of England and all other men of the realm all their rights and heritages, with all the liberties formerly demanded, for which the discord between John and the barons had arisen.[5] Lastly, an indemnity of (seemingly) ten thousand marks was promised to Louis, for which the Earl Marshal made himself personally responsible.[6]

Thus, on Tuesday, September 12th,[7] the peace was made. The absolution of Louis and his followers was deferred till next day, because the prelates had not brought their "chapels" with them,[8] and also because Gualo declared that Louis should

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stinctly indicates that this meeting on Tuesday (11th September) had been arranged before the terms were sent to him.

[1] *Hist. G. le Mar.*, ll. 17702-3; *Hist. Ducs*, p. 204. R. Wend., vol. iv. p. 31, says "near Staines."

[2] *Hist. Ducs*, *l.c.* 204

[3] R. Wend., *l.c.*

[4] A stipulation of interest, which appears in only one known version of the written conditions of peace, may probably have been inserted in them at the same time: "Item, Dominus Ludovicus reddat Domino Regi rotulos de Scaccario, cartas Judaeorum, et cartas factas de libertatibus tempore Regis Johannis a P. Rumougrend (*sic*), et omnia alia scripta de scaccario quod (*sic*) habet, bona fide." (Martène and Durand, *Thesaurus Novus Anecdotorum*, 1717, vol. i. p. 858). I have no idea what can be the meaning of the words "a P. Rumougrend," unless they have, in process of transcription, been somehow evolved out of "in p[rato] Runimead."

[5] R. Wend., vol. iv. pp. 31, 32.

[6] *Roy. Lett.*, vol. i. p. 7; *Hist. Ducs*, *l.c.*

[7] *Pat. Rolls*, vol. i. p. 95. On this date, and the whole series of dates connected with the treaty, see Note V.

[8] *Hist. Ducs*, *l.c.*

1217 — have no absolution unless he would come "barefooted and shirtless, clothed in a woollen gown"—the proper garb of a penitent. The Frenchmen however begged hard that their lord might be suffered to come with his woollen gown hidden under his robe; and to this Gualo consented.[1] Both parties returned to their lodgings for the night. Next day the Legate *Wed., 13 Sept.* and the bishops put on their silken copes and their mitres and absolved Louis and all his men, except the four clerks specially reserved for the judgement of the Pope,[2] who were made to withdraw from the island while the absolution was taking place. Gualo then sent the Pope's penitentiary to London to absolve the citizens and others who had not been present at the conference.[3] On Thursday, September 14th, the conclusion of the peace was formally announced in the King's name.[4] On Sunday, 17th, the Legate went to Merton priory, and next day the peace was confirmed there, on the *18 Sept.* one part by Louis with the Counts of Britanny, Nevers, and Dreux, and "many others from France," on the other part by the Queen with many English bishops, earls, barons, and knights. On the 22nd Louis came to Merton again, to receive from the Legate's penitentiary injunctions about his penance.[5] After this he was escorted to Dover by the Legate, the Marshal, and other magnates,[6] and sailed for France on Michaelmas eve.[7]

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[1] *Hist. G. le Mar.*, ll. 17704-10.

[2] See above, p. 47.

[3] *Hist. Ducs*, p. 205.

[4] *Pat. Rolls*, vol. i. p. 91.

[5] *Chron. Merton*, Petit-Dutaillis, p. 515.

[6] Cf. *ib.*, R. Wend., vol. iv. p. 32, *Hist. Ducs*, p. 205, and *Hist. G. le Mar.*, ll. 17717-20.

[7] Rob. Autiss. Contin. II., Pertz, *Rer. Germ. Scriptt.*, vol. xxvi. p. 282.

# CHAPTER II

## THE REGENCY OF WILLIAM THE MARSHAL

1216—1219

He was a verray perfight gentil knight.

THE coronation of Henry III had brought England face to face with a problem which was practically new in her history: the problem of a royal minority. In the days before the Norman Conquest, indeed, three English kings had been crowned before they reached the age which for men of lower degree was counted as that of legal majority; and the last of these three, Æthelred the Redeless, had come to his throne at almost the same age as Henry. But these cases were all too remote to furnish precedents for the guidance of the statesmen into whose hands the task of carrying on the government of England was thrown by the death of John. They could not even furnish a precedent for the choice of a regent; and the choice actually made was the result of circumstances which may without exaggeration be called unique. None of the known rules of English law concerning wardship were altogether applicable to the case of the Crown. As the law of England then stood, the wardship of a free tenement held by other than military tenure, and of its infant heir, belonged to the infant's next-of-kin who was not capable of inheriting the tenement; the wardship of an infant tenant in chivalry, and of his land, belonged to his overlord. If the analogy of the former case were to be followed, the regency would have fallen to the King's mother, Isabel of Angoulême. Not only, however, was the task, in the circumstances then existing, far 1216

1216 too weighty to be laid upon a woman and a foreigner, but it was obviously impossible to treat the crown and realm of England as a mere ordinary socage tenement. Wardship in chivalry, on the other hand, would until little more than three years before Henry's accession have supplied no analogy at all; for the King and kingdom of England had no overlord upon earth before John's homage to the Pope in May, 1213. By virtue of that homage England became a fief of the Roman see, and consequently on John's death the wardship of his youthful heir and his distracted realm vested legally in Pope Honorius III. It might therefore have been expected that the regency would be at once assumed by the Pope's representative in England, the Legate Gualo. But Gualo was an Italian who had been scarcely fifteen months in the land, and he was a priest. The needs of the time imperatively demanded that the acting head of the state, whose first task must be to drive out an alien invader and bring back rebels to allegiance, should be an Englishman and a warrior; and Gualo's conduct showed that neither he nor Honorius ever contemplated any other arrangement. In all the transactions connected with the crowning of the new King and the organization of the new government the Legate seems to have purposely kept himself as much as possible in the background, guarding the rights of the Pope and the interests of the Pope's ward not by direct intervention but rather by his mere presence, and putting forth his official powers only when their exercise was required to confirm, by the Papal sanction given through him, the measures agreed upon by the great men of the land, on whom the actual responsibility of appointing a regent thus devolved. If in undertaking that responsibility they were guided by any precedent or analogy at all, it must have been one drawn from a land far remote from England, but probably better known to many Englishmen in the days of Richard Coeur-de-Lion's nephew than most of the countries nearer home; a land, too, which for fifty years in the preceding century had been ruled by kings of the same blood as Richard and Henry themselves. The "Assizes of Jerusalem" in which the jurisconsults of Cyprus, towards the end of the thirteenth century, embodied the traditions of law and custom said to be derived from a code originally compiled by the first King of the Latins in Jerusalem, Godfrey of Bouillon, and modified by his successors down to Saladin's capture of the Holy City in 1187, contain an ordinance about minor heirs which runs thus: "If he" (the minor) "is a lord of land"—that is, a sovereign or suzerain lord—"his body and his fortresses ought to be guarded as shall be agreed by the community of his men."[1] This provision had been acted upon in the case of King Baldwin III, on whose accession, at the age of thirteen, the princes and barons of the realm claimed and exercised the right to elect a regent.[2] What the magnates of Palestine thus did in 1174 the magnates of England did as freely in 1216. Not only did Gualo make no claim to the regency for himself, but he did not even attempt to dictate their choice. If indeed that choice was influenced by any one outside their own circle, that one was the late King. John's commendation, however, could scarcely have been needed to point out the man for the office. 1216

Yet that man was one who had not only passed the age of three score years and ten,[3] but had passed it without ever having held any office, in court, camp, or administration, of sufficient importance to give scope for the display of any special capacities for generalship or government, or for the acquisition of special knowledge and experience in the conduct of politics or of war. Neither by birth nor by origin was William the Marshal a magnate of the highest rank. The founder of the Marshal family, one Gilbert, who seems to have been either a cadet or a connexion by marriage of the Norman house of Tancarville, was marshal to Henry I; that office became hereditary in his family, and furnished a surname to all his race. The office of the King's Marshal was in the

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[1] "Se il est seignor de terre, par acort dou commun de ces homes deit estre garde son corps e ces forteresces." *Assises de Jérusalem*, ed. Beugnot, vol. i. p. 261.

[2] William of Tyre, lib. xxi. cc. 3, 5.

[3] His biographer represents him as stating in October, 1216, that he was "over eighty," see above, p. 6; but this seems to be an error on the part of either the writer or the Marshal himself; see *Hist. G. le Mar.*, vol. iii. p. xxiv. and p. 8, note 2. His parents were, it seems, married in 1141 or 1142, and in all likelihood he—their second son—was born in 1143 or 1144.

twelfth and thirteenth centuries a grand serjeanty and nothing more; the military duties and responsibilities originally involved in it had long since passed into other hands, and the material advantages attached to it seem to have been of small extent and importance; it gave to its holder little more than a position of honour and dignity in the royal household, the right of carrying the sword of state on certain public occasions, and, possibly, a sort of inchoate right to the custody of the royal castle of Marlborough. William was a
c. 1155 younger son; at the age of twelve years or thereabouts he was sent, with a companion and a serving-lad, to seek his fortune abroad, in the household of his father's cousin William of Tancarville, the chamberlain of Normandy. There he shewed so little promise of distinction that the other young squires declared "William Waste-meat"[1] to be good for nothing but eating, drinking, and sleeping. The chamberlain, however, had a better opinion of his young kinsman. He knighted him at a moment when Henry II and Louis VII were at strife and some partisans of Louis were threatening the Norman Vexin: and Sir William in his first fight—in defence of the castle of Drincourt—proved himself well worthy of his spurs.[2] But immediately afterwards the two Kings

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[1] "Gaste-viande."

[2] *Hist. G. le Mar.*, ll. 815-1106. I am compelled to differ from the illustrious editor of the *Histoire* respecting this "affair of Drincourt," which he regards as a fantastic version of what the *Gesta Henrici* and Robert of Torigny relate as having taken place there in 1173. To my mind, the divergences pointed out in M. Meyer's own footnote to *Hist. G. le Mar.*, vol. iii. p. 16, and in his introduction, *ib.* p. xxviii., indicate plainly that the poet and the prose writers are speaking of two distinct events; and this indication is confirmed by the fact that the poet brings his story of Drincourt into immediate connexion with the knighting of the Marshal (cf. M. Meyer's note 3, vol. iii. p. xxvi.). This "most puzzling passage in the whole poem" need not puzzle us at all, if we will but accept it literally; *i.e.*, as relating to an otherwise unrecorded episode in the strife between Henry and Louis, about the Vexin and other matters, which went on—intermittently indeed and with long intervals of peace, but still never wholly laid to rest—through fully ten years prior to the crowning of the "young king." The episode was obviously one of no great consequence, except to the Marshal, who probably cherished its memory as that of the first real fight in which he was privileged to take a share. Its non-appearance in the other records of the time is therefore no proof of its unreality. The names of the chief actors on the French side—the Count of Flanders and his brother Matthew, Count of Boulogne—are no doubt an "anachronism," dragged in, by a very natural confusion of memory on the part of

made peace; and it was not in war, but in the tournaments which on the Continent (they were as yet unknown in England) furnished at once a school of arms and a means of subsistence for the younger members of the baronial houses in time of peace, that William first made himself a name.[1]

By 1170 William had acquired such a reputation that he was chosen by Henry II not only to be a member of the household of the "young King"—Henry's eldest son—but was specially appointed to watch over and direct the lad's military training.[2] Three years later young Henry himself, when offered knighthood 1173 at the hands of some of the noblest and most illustrious among the chivalry of France, declared that he would receive it only from "the best knight that ever was or will be," and handed his sword to William the Marshal.[3] After 1182 nearly twelve years of close companionship slanderous tongues parted William from the young King, shortly before the latter's final revolt against his father.[4] The slander was, however, detected and William was recalled[5] in time to watch over his young lord's death-bed and receive his dying 1183 charge to fulfil in his stead a vow which he had made of pilgrimage to the Holy Land.[6] On William's return to Europe, early in 1187, Henry II took him into his own service as a knight of his household;[7] and thenceforth till the hour of Henry's death he was the King's best counsellor and closest friend.[8]

The first act of Henry's successor was to confirm a grant 1189 which Henry had promised to William, of the hand of the greatest heiress in his realm, Isabel de Clare.[9] Her heritage included the English earldom of Pembroke or Striguil, the Norman barony of Longueville, and a fief in Ireland comprising nearly the whole of the ancient kingdom of Leinster. William's marriage suddenly raised him from the position of

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the poet's informants, from the later "affair of Drincourt" in 1173. For the incident itself, apart from this error as to some of the persons concerned in it, more than one possible date might be suggested which would fit in well enough with the place given to the affair in the string of the poet's narrative.

[1] *Hist. G. le Mar.*, ll. 1163-1526. [2] *Ib.* ll. 1939-46.

[3] ll. 2071-2150. [4] ll. 5127-5636. [5] ll. 6415-6606.

[6] ll. 6865-6905. [7] ll. 7302-7309. [8] ll. 7529-9223.

[9] ll. 9364-9371.

a portionless younger son, "without a furrow of land, and with no fortune but his knighthood," to that of a magnate of high rank, great wealth, and considerable territorial importance, and thus gave him, as a matter of course, a permanent and definite place in the royal council; but he showed no disposition to take a prominent part in politics. As one of the subordinate justiciars appointed by Richard to assist in the government of the realm during the King's absence on Crusade, he at first supported John against William of Longchamp, and afterwards, when John's treason was made manifest, supported the new justiciar, Walter of Coutances, against John. After Richard's return William was almost constantly with him in Normandy, taking his full share in the warfare with Philip Augustus which occupied the last five years of Richard's life; but his share was that of a devoted follower and a brave knight, not of a great noble holding an independent command. It was only at Cœur-de-
1199 Lion's death that William the Marshal came to the front of affairs. The dying King had appointed him constable of the castle of Rouen, which contained the ducal treasure; it was he who won for Richard's chosen successor, John, the support of the Norman primate, and thus largely contributed to secure for John acceptance in Normandy as duke.[1] The FitzGilbert patrimony had come to him in 1194, on the death of his elder brother.[2] The earldom of Pembroke or Striguil, which he had held by courtesy since his marriage with the young countess, was granted to him by formal investiture on John's coronation day;[3] a few months later the office of Marshal was conferred by royal charter on him and his heirs
1200–1216 for ever.[4] Throughout the greater part of John's reign he was sheriff of Sussex and Gloucestershire, and he was also an assistant justice and baron of the Exchequer. For some years after John's accession he seems to have been in almost constant attendance on the King; during the Interdict he resided chiefly on his Irish lands. From 1213 onwards he was again John's constant companion and his most trusted

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[1] *Hist. G. le Mar.*, ll. 11877-908.

[2] *Ib.* ll. 10012-10076.

[3] R. Howden, vol. iv. p. 90.

[4] *Charter Rolls*, p. 46 b; date, 20th April, 1200.

counsellor; and in that capacity his name stands in the preamble of the Great Charter first among the lay magnates in the list of the persons by whose advice the Charter was granted. Throughout the troubles of the succeeding year he adhered quietly but steadily to the King, whose dying testimony has been quoted already—"He has always served me loyally; in his loyalty, above that of any other man, I put my trust."

Fifteen years earlier, Richard Cœur-de-Lion had repelled in similar words a charge of treason insinuated against the Marshal: "God's Feet! I have always held him for the most loyal knight in all my realm. I do not believe he has ever been false."[1] Three years later, when the death of the aged regent of England was announced at the court of France, the flower of the French chivalry vied with each other in extolling the knightly virtues of their dead enemy, and Philip Augustus spoke the crowning word of praise: "You have well said—but what I say is that he was the most loyal man I ever knew in any place where I have been."[2] In the epithet unanimously chosen by three men so unlike each other as Richard, John, and Philip, to sum up their opinion of William the Marshal, lies the key to his whole career, and to the peculiar place which he held in the estimation of his contemporaries. What they admired and reverenced in him was not genius but character; the character, as a modern French critic has truly said, of the typical knight without fear and without reproach. One of William's friends, Aimeric de Ste.-Maure, the Master of the Temple, expressed the general verdict in another way; when he and William were both on their death-beds, he said: "Bury me beside William the Marshal, the Good Knight, who has won that surname by his probity on earth and will carry it with him to Heaven."[3] To be thus known as pre-eminently "The Good Knight" was to have won the highest title of honour that the medieval world could bestow. The "probity," or "prowess," which constituted the essence of the ideal knightly character, was a complex quality, hardly to be expressed by any single word of modern speech; it included valour and skill in arms; and it also included, above all else, what the men of the Middle Ages called "loyalty." Primarily, to them, loyalty meant the faithful discharge of the obligations legally involved in the relation between vassal and lord; obligations, indeed, often disregarded and violated in practice, but theoretically acknowledged as sacred no less in the days of John Lackland and Philip Augustus than in the days when they inspired one of the noblest outbursts of feeling in the noblest epic of ancient France.[1] This principle of "loyalty" in the medieval sense was the rule by which the Marshal walked, with a rare steadfastness and consistency, throughout his life. The very passages in his career which seem at first glance most difficult to reconcile with modern ideas on the subject are in reality illustrations of the simple and literal way in which he followed his rule, and were thoroughly understood as such by the sovereigns against whom they brought him temporarily into opposition.[2] He never concerned himself with abstract politics; in any given circumstances, his sole concern was to do his own duty to his own lord, whoever that lord might be. He knew neither doubt nor fear. He was, indeed, constitutionally fearless; personal danger of any kind was a thing of which he seems to have remained through life almost as unconscious as when in early childhood, a hostage in the power of Stephen and condemned to be hurled like a stone from a mangonel into the castle which his father was defending for the Empress Maud, he had disarmed the King's wrath by running up to the deadly engine and begging for a "swing" in it. But his courage never degenerated into rashness; he was never eager to fight (except in a tournament) merely for fighting's sake, nor willing to countenance violent measures unless they were imperatively called for by necessity or honour. His temper was cool and practical. He was no pioneer of reform or of revolution; he accepted without question the ordinary standards of public opinion in his day.[1] His ideal was strictly the ideal of his own time; an ideal, therefore, which all his contemporaries could understand and appreciate, and which they could see to be fulfilled in his person more completely than in that of any other man then living, at any rate in England. As he was true and just in the fulfilment of his duty as a vassal, so he was true and just in all his dealing. When he was but a landless knight, living by the ransoms of the prisoners and the sale of the horses captured by him in tournaments, men already knew that his word was his bond. His lord the "young King," Henry II's son, habitually "spent so much in every place where he went, that when the hour of departure came, he knew not how to get away" from his creditors. "Counts, barons, vavassours" vainly offered to stand surety for the payment of his debts; the shrewd tradesmen would accept no such security; but when the Marshal pledged his word that the accounts should be settled within a month, they exclaimed, "If the Marshal warrant us, we are as good as paid."[2] Even so Louis of France, when from the treasury of England, exhausted by years of confusion and war, an indemnity was promised him for his losses and expenses in the invasion, suffered this important item in the terms of peace to be left without mention in the written treaty, and trusted for its fulfilment solely to the regent's plighted word. Jealousy, suspicion, party-spirit, could find no occasion against a character so simple, so unpretending, so honest and straightforward as that of William the Marshal. Thrice in his long life—once by some dastardly comrades who envied the esteem in which he was held by the two Henrys, twice by King John—an attempt was made to cast aspersions on his honour. Each time he met the calumny in the same way; he offered to disprove it by ordeal of battle. Each time his challenge, uttered in the King's presence and in the midst of

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[1] *Hist. G. le Mar.*, ll. 9845-58.

[2] *Ib.* ll. 19125-52.

[3] *Ib.* ll. 18407-20.

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[1] *Chanson de Roland*, ll. 1117-1123.

[2] *E.g.*, his adhesion to the "young king" when the latter was in rebellion against Henry II., his refusal to do homage to Richard for his Irish lands (which he held under John) in 1194, and his refusal to fight for John against Philip Augustus (to whom he had done homage for his Norman lands) in 1205. In this last instance John pretended to regard William's action as treasonable, but his after-conduct showed that he had been only pretending.

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[1] See his answer to a remonstrance about the gains he had won by tourneying, *Hist. G. le Mar.*, ll. 18469-96, and his forcible seizure of money whose owner destined it to an evil use, ll. 6677-6834.

[2] *Ib.* ll. 5088-5104.

1216 — the court, was answered by a general silence more significant than words. No man dared encounter William the Marshal in the ordeal, because every man believed it impossible for the "judgement of God" to go against the Good Knight who was without fear because his conscience was without reproach.

1216 In point of fact, the Legate and the magnates at Gloucester in October, 1216, had set up what we now call a regency; but the idea which that word conveys to us was to them so entirely new and strange that they seem to have been at first unable to find a name for it. Immediately after the coronation Earl William the Marshal began to exercise the functions of a regent, and among them that of issuing letters patent and close in the King's name. In these letters he, at first, sometimes styles himself simply "William Marshal Earl of Pembroke"; but on six occasions he calls himself "Justiciar."[1] His assumption of this title is puzzling in more ways than one. The chief justiciarship of England was not vacant; it had been given by John in 1215 to Hubert de Burgh, whose fidelity to John and to his heir is as unquestionable as that of the Marshal himself, and was being demonstrated by his defence of Dover against Louis at the very time of the Marshal's appointment to the regency. In the thirteenth century an office granted, as was that of the Justiciar, by letters patent,[2] to be held during the King's pleasure, was not vacated by the King's death, but belonged of right to the grantee until he was superseded by means of a new appointment.[3] Twenty years later Hubert himself declared that he had been Justiciar "without contradiction" ever since his appointment by John;[4] it is clear, therefore, that the Marshal's assumption of the title was not regarded by Hubert as 1216 implying any design of ousting him from his office. There was indeed one precedent, dating from the time of Richard, for the appointment of two chief Justiciars at once. But Earl William's position was from the outset not that of a Justiciar at all. The Justiciar was the King's second in command—the foremost minister of the Crown when the sovereign was present, his lieutenant and vicegerent when he was absent from the realm; in either case, his delegate and nothing more. Earl William was not the King's delegate; he had not been appointed by the King and was not removable at the King's pleasure; he had been called by the Legate and the magnates to govern the realm during the King's minority, as guardian of the King himself. He was, in modern phraseology, not Viceroy but Regent. Still, there was just sufficient analogy between his functions and those which, under certain circumstances, appertained to the Justiciar, to suggest his adoption of that title, in a tentative sort of way, until a better one could be devised.[1] In a word, as his office was a novelty and an experiment, so its earliest appellation seems to have been a makeshift. Before the end of November, 1216, that appellation was replaced by a loftier and more comprehensive one—"Governor of the king and of the kingdom."[2] No attempt seems to have been made at any further definition either of the limits of his powers, or of his relation to the royal Council; there was in fact no means of defining either, nor any authority capable of so doing. In one sense he was above the council; but in another sense he was merely its most important member; its other members acted in subordination to him, but he was not independent of them; they were the King's councillors, not his; nay, more—it was from them that he had received his authority, and he

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[1] *Justiciarius noster*, 1st November, 1216 (*Pat. Rolls*, vol. i. p. 1), 2nd November twice (*ib.* p. 2, *Close Rolls*, vol. i. p. 293); *justiciarius Angliae*, 13th November twice (*ll. cc.*); *justiciarius noster Angliae*, 6th November twice, 12th November, 14th November (*Pat. Rolls*, pp. 2, 3).

[2] The letter patent by which Hubert was appointed is unfortunately not enrolled; but the appointment was so clearly recognized by all parties as valid that we cannot doubt its having been made in the usual way.

[3] Turner, "Minority of Henry III.", part I, *Trans. Roy. Hist. Soc.*, 2nd ser. vol. xviii. p. 271.

[4] *Responsiones pro Huberto* (M. Paris, *Chron. Maj.*, vol. vi.), p. 64.

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[1] It may even have been given to him purposely, by consent of the real Justiciar, in order to enable him to undertake certain administrative functions specially attached to the chief Justiciar's office, while Hubert was—as he said himself in 1239—so busy at Dover that "a castro non potuit recedere *nec officium justiciarii exercere*"; *Responsiones*, p. 65.

[2] "Rector nostri et regni nostri." This title appears on the Rolls for the first time on 19th November, 1216 (*Pat. Rolls*, vol. i. p. 3), and continues thenceforth in regular use.

1216 — was thus in some sense responsible to them for his exercise of it. He was also, and above all, in theory at least, responsible to the Legate and, through the Legate, to the Pope.[1] It is thus impossible to determine precisely how much of the credit of the policy which freed England from her invaders and restored peace and order to the distracted country and the ruined administration is due to the Marshal himself, and how much to his colleagues, Gualo, Hubert, Peter des Roches, and the other ministers of the late King. A large share of credit must in any case belong to them for a steady, faithful, and intelligent co-operation without which the Marshal obviously could not have carried on either war or government at all. But it is certain that for two years and a half after the coronation no act was done in the King's name without the Marshal's consent; for, except on a very few special occasions, all the royal letters during that period were attested by him and sealed with his seal.[2] It may therefore fairly be said that whatsoever they did in England, he was the doer of it. 1216

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[1] This fact is too self-evident to need illustration, but it is well illustrated by an incident of the late spring or early summer of 1217. Some person or persons unnamed "urgently entreated" Honorius to take measures for the appointment of Earl Ranulf of Chester as colleague to the Earl Marshal, whom they represented as being too old to fulfil the duties of his office, "especially in these times." The proposal did not commend itself to the Pope; but he remitted the matter to Gualo's judgment (*Roy. Letters*, vol. i. p. 532, Honorius to Gualo, 8th July, 1217), and it seems to have been heard of no more. How or with whom the suggestion originated there is nothing to show. That it had not come from the Legate is clear from the wording of the Pope's letter to him. It evidently did not come from the Marshal himself, although, as has been seen, he had originally proposed that the regency should be given to Chester. There is no sign that it was the outcome of any intrigue on the part of Chester, whose conduct seems never to have in any way belied the assurance of loyal support which he had given to the Marshal in October, 1216.

[2] In the very rare cases which form an exception to this rule it is the Legate whose seal takes the place of the Marshal's. One of these exceptional cases is so interesting as to deserve special notice. It consists of two letters patent, both dated Bristol, 2nd December, 1216, attested by the King himself, and sealed with the seals of the Legate and the Bishop of Winchester (*Pat. Rolls*, vol. i. pp. 9, 10). One of these letters is addressed to the Justiciar of Ireland, Geoffrey de Marsh, the other to Meiler FitzHenry; the purpose of both is to secure for the Marshal his rights in Ireland as lord of Leinster, especially the service due to him from Meiler, which the late King had (in one of his fits of suspiciousness) taken into his own hand as security for the Marshal's fidelity. The reason why these letters were not attested by the Marshal himself is obvious; but the interesting point in the matter is that the Legate and the Bishop, or the boy-King, or all three together, seem to

One thing there was which, it was clearly understood from the outset, could not be done at all during the King's minority. No grant in perpetuity made by, or in the name of, a person under age was valid by English law. The application of this rule to the case of an infant King seems not to have been expressed till more than two years after Henry's coronation, but it was effectually secured during that time by an expedient whose simplicity and practicality are eminently characteristic of the Marshal. A grant in perpetuity on the part of the Crown was invalid unless sealed with the King's seal. No great seal was made for Henry till two years after he was crowned; the seal of the regent served in its stead.[1] On several occasions during the first year of the regency grants were made in the King's name to hold good "till the fourteenth completed year of our age."[2] 1216–1217 There was as yet no fixed rule for the determination of a King's majority; but the reigning King of France, Philip Augustus, had been crowned as his father's colleague shortly after his fourteenth birthday, and had exercised the functions of royalty from that time forth. This was the origin of the rule which fixed the coming of age of later Kings of France at fourteen years; and Henry's guardians seem at first to have contemplated taking Philip's case as a precedent for that of their own boy-sovereign.[3] There was no English precedent to guide them. Nine years later it was asserted that one castellan—Peter de Maulay—had bound himself by an oath

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have seized upon the occasion as an opportunity for putting on record the estimation in which they held him. Each letter contains a sort of parenthesis, quite unnecessary to its main purport, in praise of Earl William. "Qui" writes Henry to Geoffrey "patri nostro viventi semper fideliter astitit, et nobis assistit, et cujus fidelitatem plurimum commendamus"; while in the letter to Meiler there is a yet more unconventional and emphatic outburst of feeling—"Ipse enim W. semper patri nostro viventi fideliter astitit, et devote et nobis constanter adheret et assistit, et ipsius obsequium pre cunctis regni nostri magnatibus habemus plurimum commendatum, quoniam tamquam aurum in fornace, sic se in necessitate probavit."

[1] See the *Rolls*, 1216—November, 1218, *passim*.

[2] *Pat. Rolls*, vol. i. pp. 1, 23, 72, 100; *Close Rolls*, vol. i. p. 299 b.

[3] The King of Jerusalem seems to have come of age at fifteen, like his subjects. *Assises de Jérusalem*, ed. Beugnot, vol. i. p. 262.

1216–1217 to John not to give back the castles of which he had charge till Henry should be of legal age.[1] It is possible that John may have demanded and received such an oath from more than one of the wardens of the royal castles ; but evidently neither they, the Marshal, nor any of the council knew what was John's idea—if he even had one—of what should constitute legal age in the case of his successor ; the definition tentatively suggested at the beginning of the reign was clearly not based upon any direction left by him. At the close of 1217 it was abandoned, and its place was taken by a vaguer formula—"till our coming of age."[2] The question of when that was to be could not become urgent for three years at least ; it was therefore wisely put aside for solution at a more convenient season.

Some indications seem to point to another possible restriction on the powers of the king's guardians, in the shape of a theory that their "pleasure" was not legally equivalent to "the King's pleasure"; in other words, that appointments made by the late King were not revocable (except for some special reason) during the minority of his successor. There is however no evidence that this theory was ever put into explicit words or formally recognized ;[3] and nothing of the kind is needed to account for the fact that the great majority of the Crown officers appointed by John were left undisturbed by the Earl Marshal in their several bailiwicks.[4] Thirteen counties were at John's death under sheriffs of foreign birth. Falkes de Bréauté was sheriff of Northamptonshire, Rutland, Cambridgeshire, Huntingdonshire, Bedfordshire, Buckinghamshire, and Oxfordshire ; Peter de Maulay of Dorset and Somerset ; Savaric de Mauléon of Hampshire ; Philip Marc of Derbyshire and Nottinghamshire ; Engelard de Cigogné (or d'Athée) of Surrey. The two last named were members of a family on which "the Barons" of 1215 had conferred a signal mark of distinction, by making it the subject of a separate article (the fiftieth) in the Great Charter, whereby John was pledged "to remove altogether from their bailiwicks the relations of Gerard of Athée," several of whom, among them Engelard of Cigogné and Philip Marc, are mentioned by name, "and all their following, so that they may never more hold any bailiwick in England." The reason for this remarkable enactment was, so far as can be made out from existing evidence, simply this : that when, after a struggle in which Gerard of Athée fought gallantly for his country and his Count,[1] the old Angevin lands were conquered by Philip Augustus, these kinsmen—sprung from a group of little villages between Tours and Loches—instead of settling down under the new ruler of Touraine, crossed the sea to seek employment in the service of their natural-born sovereign and make homes for themselves in his island realm ; that he entrusted them with offices of considerable importance as well as (in some cases at least) of considerable pecuniary value, and especially with the command of some of the chief royal castles ;[2] that they fulfilled the duties thus entrusted to them with fidelity and efficiency, and that they had under their control a numerous following of dependents who had accompanied or rejoined them from beyond the sea, and who were, like them, faithful soldiers and servants of the King. We need seek no further for the grounds on which the "Barons of the Charter" desired to get rid of Gerard d'Athée and his kindred ;[3] nor for the grounds on which 1215 —

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[1] *Querimonia Falcasii*, W. Cov., vol. ii. p. 60.

[2] "Usque ad etatem nostram," *Pat. Rolls* vol. i. p. 123, &c. This formula was used as late as August, 1226 ; *ib.* vol. ii. p. 57.

[3] See Note VI.

[4] For the changes of sheriffs in Henry's first year see Turner, *Minority*, pt. I. pp. 273-4.

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[1] He was made Seneschal of Touraine in 1202, defended Loches against Philip in 1204, was captured with the castle, and ransomed by John for a thousand marks. See Turner, pt. I. p. 249.

[2] Gloucester, Bristol, Hereford, Nottingham, Odiham, Windsor. See Turner, pt. I. pp. 249-251. It was Engelard who defended Windsor so long and so successfully against the French. He had previously made a splendid defence of Odiham ; R. Wend. vol. iii. p. 371.

[3] There is not a particle of evidence that these men had ever given just cause for resentment to any English party or person. "They cannot be described as royal favourites, for not one of them received a grant of land in perpetuity by royal charter. Nor can they be included among the King's political advisers ; for if they had been such they would certainly have witnessed his charters occasionally. Yet not one of them witnessed a royal charter except Engelard de Cigogné ; and he witnessed but one before the issue of the Great Charter at Runnymede, and but two afterwards. They were neither courtiers nor politicians,

1216 — the fiftieth article of the Great Charter was omitted in the revised version issued by Gualo and the Marshal in Henry's name. The only puzzle in the matter is why the baronial party should have singled out the members of this particular family by name[1] to be made victims of their jealousy and fear, and not included the other "alien" officers in the same condemnation (or commendation); for two at least of those others were men who by origin, class, and character differed little from Gerard of Athée and his kinsmen. The third, indeed—Savaric de Mauléon—was a noble by birth, the head of an illustrious family of baronial rank in Poitou, and a man of personal distinction in other pursuits besides that of arms; it is needless to say more of him at present, for, as he returned to his native land shortly after the council at Bristol, the military and administrative offices held by him in England were of necessity transferred to other hands. But Falkes de Bréauté and Peter de Maulay were simply soldiers of fortune from the continental dominions of the house of Anjou.[2] Together with the sheriffdom of Dorset, Peter de Maulay had been entrusted by the late king with the castle of Corfe, and in it not only the royal treasury and some important State prisoners, but also the child Richard who was, after Henry, the next and indeed the only male heir to the Crown. Since John had deemed Peter a fit person to have such a charge as this, the darkest hour of the struggle with the enemies of John's heir was obviously not the time for removing him from his post. As to Falkes—called by Matthew Paris "the rod of the Lord's fury"—he was a man after John's own heart, as ruthless and reckless as John himself; but his fierceness was equalled by his daring valour, his consummate skill in military affairs, and his zeal in the

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but soldiers of experience, whom the barons feared with good cause." Turner, pt. I. pp. 253, 254.

[1] A grotesque comment on the whole affair is furnished by the fact that the drafters of the article seem to have neither known nor cared what the names of their intended victims really were; see Turner, pt. I. pp. 248, 252.

[2] Bréauté is in Normandy, Maulay in Gascony. Of Falkes we shall have to speak at length later on. Peter de Maulay is (like Falkes) said to have begun life as an usher or doorkeeper: "Chil Pieres de Maulay ot este huissiers le roi, mais puis crut tant ses afaires que il fu chevaliers," &c. *Hist. Ducs*, p. 180.

royal cause. A glance at the map of England is enough to shew why John had chosen such a man as this to have charge of the particular group of counties and castles which he placed under the command of Falkes; and the story of the war is enough to justify the wisdom of his choice.[1] 1217 —

The treaty of Kingston was no sooner concluded than both parties set to work conscientiously to carry its provisions into effect. "Reverted perverts" came crowding in to the King's allegiance, and as fast as they came their lands were ordered to be restored to them.[2] On 23rd September Louis and Henry joined in summoning Alexander of Scotland to make restitution of the English lands which he had seized during the war.[3] Orders were promptly issued for the delivery of prisoners and the payment of ransoms and other moneys due according to the terms of the treaty.[4] Only two classes of men suffered any real punishment for their share in the war. The one class consisted of men of Norman birth who held or claimed lands in England, and who had taken the side of Louis; concerning these the sheriffs were warned that "no seisin is adjudged to them, till the English shall have recovered their lands in Normandy."[5] The other class was that of the clergy who had disobeyed the bishops and the Pope by supporting Louis; and their punishment came solely from the Legate. On 27th October he went to London[6] and there meted out condign punishment to the clergy who had set his excommunication at naught. He "went to the church of S. Paul, and caused all the altars and all the chalices to be broken up, and all the vestments to be burnt, and new ones

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[1] As Mr. Turner truly says (pt. I. p. pp. 276, 277):—"The confidence which King John and the advisers of his son Henry reposed in these so-called alien sheriffs rested on experience. Not one of them could boast of illustrious ancestry" (Savaric is not included among those of whom Mr. Turner is here speaking) "or inherited wealth; not one of them can fairly be described as a royal favourite. Men of action, soldiers brought from France to defend their King and his kingdom, they owed their positions to their military talents. These men from the King's dominions across the sea helped in no small measure to place the heir of the Angevin house safely on the throne of England."

[2] *Close Rolls*, vol. i. p. 322 *et seq.*; *Pat. Rolls*, vol. i. p. 92.

[3] *Pat. Rolls*, vol. i. p. 93.

[4] *Ib.* pp. 94-97.

[5] *Close Rolls*, vol. i. 329; date, 12th October.

[6] *Chron. Merton*, Petit-Dutaillis, p. 515.

1217 to be put in their place; and he put in new canons; and the old ones who had chanted the service in defiance of him he deprived of all their benefices; and he made the beneficed clergy of the town exchange their parishes for upland ones."[1] "Some of the clergy he degraded; some he sent, still excommunicate, to the threshold of the Apostles."[2] Thirteen clerks "who used threatening language to him and his" he put in ward at Westminster.[3] What ultimately became of
1218 them we are not told; but on 18th February next year all clerks under sentence of excommunication for adherence to Louis were, in the king's name, bidden to leave England before Mid-Lent (22nd March), and warned that if found there after that date, they would be kept in ward "till the king should give further orders concerning them."[4]

1217 On Sunday, 29th October, 1217—a year and a day after his coronation—the young King entered his capital.[5] "He was received with glory, and fealty and homage were done to him," no doubt by the citizens and by many other "reverted perverts." During the ensuing week "many discussions were held by the King's guardians and the leading men of the kingdom concerning the ordering of the realm, the establishment of peace, and the abolition of evil customs."[6] The outcome of these deliberations was a new issue of the Charter,[7] or what seems to have been meant to be regarded as the issue of a new Charter; for the preamble (which, except for the names, is a copy of the preamble of Magna Charta) ignores all earlier documents. As a matter of fact, however, this Charter is a revised edition of the Charter of 1216, from which it differs only in the following particulars: In the article concerning widows, the amount of legal dowry is, for the first time, defined: it is fixed at a third part of all the husband's lands, "unless she have been dowered with a less amount at the church door."[1] The article relating to the judicial eyres and the three recognitions is modified. Recognitions of mort d'ancester and novel disseisin are to be taken in the several shires before justices who are to be sent thither once (instead of four times) a year, and who are to hold the assizes "with the knights of the shires"[2]—not, it seems, as in 1215 and 1216, with four knights specially elected for the purpose; if these assizes cannot be completed on the day fixed, the cases are to be dealt with, not as in 1215 and 1216 by a sufficient number of knights and freeholders who are to remain on the spot for that intent, but by the judges "elsewhere on their eyre," or if the cases are too difficult they are to be referred to and settled by the judges of the Bench;[3] and the assizes of darrein presentment are to be always held and settled by these last-named judges.[4] In the article regulating the imposition of amercements the king's villeins are excepted from the safeguard given to the villeins of other lords.[5] The article concerning the requisition of corn or cattle is modified by the extension of the limit of time for payment from twenty-one days to forty.[6] On the other hand, carts belonging to an ecclesiastical person, a knight, or a lady, are henceforth not to be requisitioned at all.[7] The unsupported accusation of a Crown bailiff is henceforth to be insufficient not only for sending a man to the ordeal, but also for compelling him to make compurgation.[8] The King's promise to take no unfair advantage of his possession of escheats is made still more definite.[9] Of the six matters spoken of in John's Charter which were expressly mentioned in clause 42 of the Charter of 1216 as being postponed for future consideration—the assessment of scutages and aids, the rights of Jewish and other creditors against the heirs of deceased debtors, liberty of ingress into and egress from the realm, the regulation of forests and warrens, the customs of the shires, and the river-enclosures and their 1217 —

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[1] *Hist. Ducs*, p. 206.

[2] W. Cov., vol. ii. p. 239; cf. *ib.* p. 240, and R. Wend., vol. iv. p. 33.

[3] *Ann. Dunst.*, p. 52.

[4] *Close Rolls*, vol. i. p. 377.

[5] *Chron. Merton*, Petit-Dutaillis, p. 515.

[6] W. Cov., vol. ii. p. 240.

[7] *Statutes of the Realm, Charters of Liberties*, pp. 17-19. On this Charter see Professor Powicke's article, "The Chancery during the minority of Henry III," *Eng. Hist. Rev.*, vol. xxiii. pp. 232, 233.

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[1] Second Charter of Henry III, c. 7.

[2] c. 13. [3] c. 14. [4] c. 15.

[5] 2nd Ch. Hen. III, c. 16; cf. 1st Ch. Hen. III, c. 15, M. C., c. 20.

[6] 2nd Ch. Hen. III, c. 23; cf. 1st Ch., c. 21. [7] 2nd Ch., c. 26.

[8] 2nd Ch., c. 34; cf. 1st Ch., c. 31.

[9] 2nd Ch. c. 38; cf. 1st Ch., c. 35.

1217 keepers—the fourth was left to be dealt with in a separate Charter of the Forest; to three others as many new articles were devoted. No river-enclosures are henceforth to be kept up save those which were in existence in the time of Henry II.[1] Respecting the "customs of the shires," the provision in the twenty-fifth chapter of Magna Charta (to which the words on that subject in the closing paragraph of Henry's first Charter must refer), that all shires and other local jurisdictions except those on the royal domains shall be at their "old ferm" without increment, is not renewed; but in its stead there is a clause regulating the holding of the county courts and the sheriff's tourn. The shire court is to be held not oftener than once a month, and at longer intervals where such have been customary. No sheriff or his bailiff is to make his tourn in the hundred except twice a year—after Easter and after Michaelmas—and only in the proper and accustomed place. View of frankpledge is to be made at Michaelmas term, in such a manner "that every man shall have the liberties which he used to have in the time of our grandfather King Henry, or which he has since acquired, and so that our peace shall be kept, and the tithing shall be complete as it was wont to be; and the sheriff is to seek no occasions, and is to be content with what the sheriff used to have for holding his view in King Henry's time."[2] Concerning the once crucial question which had furnished the original pretext for the rising of the barons against John, the guardians could now venture to reassert the rights of the Crown; and they did so, but in terms carefully chosen so as to avoid all reference to the late troubles: "Scutage shall be taken henceforth as it used to be taken in the time of our grandfather King Henry."[3] Two other new articles were added, whose connexion with the scutage clause is not difficult to see. The one enacted that henceforth no free man should either give away or sell so much of his land as that the residue should be insufficient to furnish the service due to the lord of the fief;[4] the other forbade that any man should give his land to a religious house for the purpose of receiving it back again to hold of that house, and enacted that if any man were convicted of so doing, his donation should be void, and his land forfeited to the lord.[1] The other omissions were disposed of, for the moment, by a general saving clause: "Reserving to the archbishops, bishops, abbots, priors, Templars, Hospitallers, earls, barons, and all other persons both ecclesiastical and secular, the liberties and free customs which they had before."[2] Lastly, it was ordained also "by common consent of the whole realm" that all adulterine castles, that is, castles which had been built or rebuilt since the beginning of the war between the late King and his barons, should be immediately destroyed.[3] This Charter has no date. It was, doubtless issued in the early days of November; probably on the 6th, for on that day there was issued a Charter of the Forest which dealt amply with the grievances connected with the abuse of Forest law.[4] 1217 —

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[1] 2nd Ch. Hen. III, c. 20.

[2] c. 42.

[3] c. 44.

[4] c. 39.

The article concerning scutage was inserted in the Charter for an immediate and important purpose; it was the ratification of a tax which the Council had imposed a few days before the Charters were issued. Of the many problems with which the Marshal and his colleagues had to grapple one of the most urgent and most difficult was that of finance. The confused entries on the Pipe Rolls of John's later years indicate that the financial administration of the realm had been gradually drifting towards chaos from 1212 onwards; in 1215 chaos was reached, and the machinery of the Exchequer came to a standstill. After Michaelmas, 1214, no session of the Exchequer was held, no accounts were rendered by any of the sheriffs or other bailiffs of the Crown, for more than three years. John had met the expenses of the war partly by payments out of the treasury, partly by means of writs addressed to various fiscal officers throughout the country, directing them to make on his behalf certain payments out of the ferms for which they were accountable at the Exchequer.[5] As, however, "no one"—as a chronicler says—"would pay any money to the King" or his representatives, and as a consider-

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[1] 2nd Ch. Hen. III, c. 43. [2] c. 46 [3] c. 47.

[4] *Statutes of the Realm*, *Charters of Liberties*, pp. 20, 21.

[5] See Turner, pt. I. p. 285.

1217 able part of the kingdom was in the possession of the enemy, both of these resources must have been well-nigh exhausted before the death of John, who was in fact reduced at last to sheer plunder to provide for the maintenance of his troops. The Marshal at the outset of his regency seems to have sought help towards providing the sinews of war in the levy of a hidage, carucage, and "aid," this last word probably representing a tallage from the towns. Of the time and circumstances of their imposition there is no record, but it is most probable that the matter was decided in the council at Bristol immediately after the coronation, in November, 1216.[1] Of course none of these taxes could be collected in the districts which were under the control of Louis or his partisans. In July, 1217, the Pope ordered the prelates to contribute an aid to the King's necessities.[2] Meanwhile wages, allowances, and other payments were made by means of jewels from the royal treasury, and in cloth of silk, samite, and baldaquin from the royal wardrobe.[3]

At the earliest possible moment an effort was made to revive the working of the Exchequer. Its records were for some time previous to the end of the war in the possession of Louis, and were restored only on the conclusion of peace in the middle of September;[4] the session seems therefore to have been appointed for Martinmas,[5] instead of Michaelmas which was the customary date. Before Martinmas came, however, it was found, apparently, that some of the sheriffs could not get their accounts ready by the appointed day; and ultimately they seem to have been allowed to bring them up at various times from November, 1217, till a fortnight after Easter, 1218.[6] The accounts thus rendered were those for the first half of the seventeenth (fiscal) year of King John, from Michaelmas, 1214, to Easter, 1215; in other words, the last fiscal half-year completed before the outbreak of war between the barons and

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[1] Hidage, carucage, and aid are mentioned on 7th June, 1217, as having been assessed "de precepto nostro," *Close Rolls*, vol. i. p. 310; and the two former seem to have been in process of collection in some of the Midland shires in the middle of April of that year; *ib.* pp. 306, 306 b, *Pat. Rolls*, vol. i. p. 56.

[2] *Roy. Letters*, vol. i. p. 532.

[3] *Close Rolls*, vol. i. pp. 602, 603

[4] See above, p. 59 note 4.

[5] *Close Rolls*, vol. i. p. 328.

[6] *Ib.* pp. 343, 340 b, 376 b.

1217
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the King.[1] For the second half of that year, and for the whole of the two succeeding years up to Michaelmas, 1217, no accounts were ever rendered or demanded; the first Pipe Roll of Henry III is the roll of his second year, from Michaelmas, 1217, to Michaelmas, 1218, and it contains no mention of arrears.[2] This arrangement was both practical and equitable. The accounts for 1215–1217 must in many cases, through no fault of the persons responsible for them, have been in a confusion impossible to disentangle; some of the shires had been entirely in the possession of the King's enemies; to many of the sheriffs and other Crown bailiffs the King must have been really more in debt than they were to him. With a budget thus restricted and a treasury thus exhausted the Marshal had to carry on the King's government and pay the indemnity which he had promised to Louis.

"Our faithful Earl William the Marshal has bound himself to the Lord Louis on our behalf, under no small penalty, to the payment of ten thousand marks, for the boon of peace between Louis and ourself"—such is the official statement made, a year later, in a letter written in Henry's name to the Pope.[3] This amount was independent of the sums due to Louis, according to the terms of the treaty, from towns and individuals who had made agreement with him on condition of a financial aid or tribute which they had not yet paid; the aggregate of these latter sums appears to have been reckoned at something between five and seven thousand marks.[4] On

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[1] Turner, pt. I. p. 288.

[2] *Ib.* p. 284.

[3] *Roy. Lett.*, vol. i. pp. 7, 8; date, 6th November. Dr. Shirley made the year 1217, but he must have overlooked the closing words of the letter—"De praemissis autem novi sigilli nostri sanctae paternitati vestrae reverentiam merito duximus exhibendam"—which clearly shew that it is 1218.

[4] The various accounts of the money paid (or promised) to Louis are extremely puzzling. The Chronicle of Melrose, a. 1217, p. 131, gives the total as ten thousand pounds. The Dunstable Annals, p. 51, say that Louis left his Marshal in England "pro quindecim millibus marcarum recipiendo, quas pro reragiis tenseriarum et expensis quas fecerat promiserunt"—this verb has no nominative, but the king's guardians seem to be meant. The *Hist. Ducs*, p. 204, after summarizing the treaty, says Louis was to have "deseure tout chou, x m. marcs d'estrelins por l'arierage de ses rentes que il n'ot pas euues, et pour la desconfiture de Nicole vii m. mars; che fu xvii m. mars par tout." (For the first *marcs* the MS. followed in the printed text has *livres*, but the other has *marcs*, which is obviously the right reading; see the editor's note 1, *l.c.*). M. Petit-Dutaillis,

1217 — 23rd September letters patent were issued ordering that these debts should be paid without delay to Louis's Marshal, William de Beaumont.[1] For the receipt of the indemnity Louis appointed as his attorneys two merchants of S. Omer, Florence (or Florentinus) "the Rich" and his son William. This appointment seems to have been made for the joint convenience of Louis and Henry. Louis apparently wanted six thousand marks sterling paid down, and received them from Florence and William, who themselves supplied the amount on a promise made to them on 23rd September in Henry's name that half the sum thus advanced should be repaid to them on All Saints' day and the rest at Candlemas; a part of the first instalment of repayment was to be made in fells and wool; if these were not duly delivered Henry was to pay Florence and William an additional sum of five hundred marks sterling "for the profit of that merchandise." If the whole debt to the two merchants were not paid at the term appointed, Count Peter of Brittany and Robert of Arène were authorized by the King, the Earl Marshal, and the royal Council to seize and hold on behalf of Louis "any goods belonging to the King and his realm that they could get, to the value of the amount due," until it was paid.[2] A letter from the Marshal in his own name to the King of France at once illustrates the scrupulous honesty for which he had long been renowned, and shews that he doubted the possibility of fulfilling these promises to Florence. "If," he writes, "our agreement with Florence be not kept, we desire and grant that you assign all the land which we hold of you to Florence

*Vie de Louis VIII*, p. 176, note 2, takes the marks promised to Louis as marks sterling. But the document on which he relies for this interpretation of the sum (*ib.* p. 512) is a statement of the king's debt to Florence of S. Omer, not of his debt to Louis. The letter of 6th November, 1218, which does specify the sum due to Louis, says nothing about marks sterling; it calls them simply "marks." Reading the Dunstable Annals and the *Hist. Ducs* by the light of the king's letter, one is led to think that the monk's "fifteen thousand marks" are made up of the king's ten thousand marks "pro bono pacis" (= "pro expensis quas fecerat [Ludovicus]" = "pour la desconfiture de Nicole"), and five (instead of seven) thousand "pro reragiis," "pour l'arierage de ses rentes," the amounts given for the indemnity and for the arrears having been reversed (and the latter perhaps exaggerated) by the Flemish historian.

[1] *Pat. Rolls*, vol. i. p. 94.

[2] *Ib.* p. 114.

and his son till the whole debt and interest due to them shall be discharged, saving only our service to you for the said lands."[1] His doubts were justified; eleven months later the debt to Florence and William still amounted to no less than two thousand one hundred and fifty marks.[2] To bring it down to this he had had to borrow more than five hundred marks in the King's name from various merchants of Ireland, Wales, and England, and several hundred more from other individuals, and to lend nine hundred marks out of his own purse;[3] and the financial straits of the Crown are further illustrated by the fact that the total of wool required for the first instalment of repayment to Florence had had to be made up by seizing several sacks belonging to individual merchants at Northampton fair, one of whom did not receive compensation till the end of November, 1218, while another had to wait for it till the middle of February, 1219.[4] It seems to have been originally proposed that the whole indemnity should be paid by S. Andrew's day, 1217;[5] but this was manifestly impracticable. The account with Louis was in fact not closed till 1219 at the earliest, for the last five hundred marks needed to wipe out the debt were lent to Henry by Gualo's successor in the legation, Pandulf.[6] **1217**

The very first thing, therefore, to be laid before and sanctioned by the Great Council of the realm when at the end of October, 1217, it was once more gathered round the sovereign in his capital city, was a scheme of taxation for the year. This consisted of a scutage of the ordinary amount—two shillings on the knight's fee—a tallage, a hidage, and a carucage. These taxes were imposed, as had been the practice in the time of Henry II, in the full council of the barons.[7] The formal imposition of the scutage must have

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[1] *Pat. Rolls*, vol. i. p. 115.

[2] *Ib.* p. 168, 30th August, 1218.

[3] *Close Rolls*, vol. i. p. 369 b.

[4] *Ib.* pp. 383, 388 b.

[5] *Pat. Rolls*, vol. i. p. 125.

[6] *Ib.* p. 284.

[7] "Scutagium positum de novo per consilium commune comitum et baronum nostrorum Angliæ," 10th November, 1217, *Pat. Rolls*, vol. i. p. 125; "per commune consilium regni nostri," 30th October, 1217, *Close Rolls*, vol. i. p. 371: "de carrucagio et hydagio quod assisum fuit per consilium regni nostri," 9th January, 1218, *ib.* p. 348 b. Tallage to be taken from the towns and from the royal demesnes, *ib.* pp. 349, 359, 364, 370; *Pat. Rolls*, vol. i. pp. 170, 171.

1217 taken place on the very day of Henry's entry into London, 29th October, or at latest on the following morning. This tax was avowedly destined for the payment of the indemnity.[1] It was obviously for purposes connected with finance that an inquisition concerning the King's demesne lands had been ordered in September;[2] and on 9th November, commissioners were despatched to assess the tallage on these demesnes, and to make searching inquiries about escheats and about all lands "into which there is no entry except through the sheriffs or bailiffs and without due warrant,"[3] and to seize all such into the King's hand.[4] At the same time the King's justiciars in Ireland were directed to lay a "tallage and efficacious aid" upon the cities, towns, and royal demesnes in that country, and to "beg of the Kings of Connaught and Thomond and the other kings in Ireland, and of the barons and knights who held in chief of the King, such an efficient aid that the King should evermore be thankful to them"; and they were further exhorted to send the money thus collected to England with all possible speed.[5]

The first judicial eyre of the new reign seems to have been held very soon after the second issue of the Charter, and to have had for one of its objects the administering of the oath of fealty to the King's subjects in general. To one district, at least, there went six justices itinerant before whom the knights and other free men swore that they would keep the peace of the Church, the King, and the realm, and would help and defend all persons who were willing to keep it likewise; that they would obey all "reasonable" commands of the King, and uphold the royal rights, and hold the good laws and customs of the realm; that if any man should presume to contravene the same, they would at the bidding of the King and his council come together faithfully in force and amend the matter to the utmost of their power; that "neither for hatred, nor favour, nor fear" would they fail to keep their fealty; that they would do and receive justice according to the reasonable customs and laws of England; that no previous or subsequent oath should hinder their observance of all these things; and that "in all these things they would support the Marshal."[1] 1217 —

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[1] Its proceeds are enrolled in the Pipe Rolls 2 and 3 Hen. III under the title of "Compotus de Scutagio assiso . . . ad Angliam deliberandam de Francis"; see Petit-Dutaillis, p. 177, note 5. It did not, however, all go to Louis; *e.g.*, the whole scutage of Kent, as well as a share of the tallage from some of the towns in that county, was allotted to Hubert de Burgh for the repair and fortification of Dover Castle, 11th February, 1218, *Close Rolls*, vol. i. p. 352.

[2] *Close Rolls*, vol. i. p. 336.

[3] "In quas ingressus non habetur nisi per vicecomites vel ballivos et absque debito waranto."

[4] *Pat. Rolls*, vol. i. pp. 170, 171.

[5] *Close Rolls*, vol. i. p. 375.

The various dependencies of the English Crown had next to be secured. Alexander of Scotland had taken advantage of the troubles in England to seize the town and castle of Carlisle. As early as 23rd September, 1217, the Marshal peremptorily demanded restitution of these and of the other lands and the prisoners taken by Alexander during the war; and at the same time he bade the prelates and magnates of the North, if Alexander did not immediately comply with the demand, give the sheriff of Cumberland their "efficient aid and counsel" in forcing him to do so.[2] Alexander seems to have yielded at once. The Marshal had a hold over him; the English honour of Huntingdon, which the Scot Kings had held since 1136 and which they dearly prized, was in the hand of King Henry. On 6th November an escort was ordered to meet Alexander at Berwick on S. Andrew's day and bring him "to speak with us and do to us what he ought to do."[3] The meeting seems to have taken place on 17th or 18th December at Northampton;[4] on the 19th Alexander, having done his homage, received seisin of his English lands,[5] and a safe-conduct till Candlemas Day for his journey home.[6]

Far more troublesome and dangerous vassals than the Scot king were the native princes of Wales. In ancient times Wales had been divided into three kingdoms: Gwynedd, answering roughly to the modern counties of Flint, part of Denbigh, Carnarvon, Anglesey, and the western part of Merioneth; Powys, stretching from the mouth of the Dee to the river Wye, and including, besides the southern part of what is now Denbighshire and the eastern part of Merioneth, the present shires of Montgomery and Radnor; and Deheubarth, which included, besides the remaining shires of the modern South Wales, the district of Monmouth as far east as the Wye. These three kingdoms had been separate and independent, although a sort of overlordship or primacy seems to have been recognized as appertaining to the Kings of Gwynedd. By the end of the twelfth century Gwynedd was the only one of these three States which remained purely Welsh in population and government. The whole of Deheubarth and the greater part of Powys were dotted over with Norman castles, every one of which was the capital of a lordship held by a baron of Norman or English race, owning allegiance to no one save the English King.[1] Neither these "marcher lords" nor their sovereign, however, had made any real progress towards conquering the country or its people; they were, so to say, detachments of a feudal host encamped here and there in a foreign land, and surrounded by a native population which still maintained its own customs and laws and recognized no authority except that of its own hereditary chieftains. Between the two peoples there was a bitter racial and national feud; but the relations between the Norman lords marchers and the Welsh princes varied greatly. It was not for the interest of the former to quarrel unnecessarily with their Welsh neighbours at any time; and when they themselves chanced to be in rebellion against their own sovereign—as was the case with some of them, notably with the great house of Breuse in south-eastern Wales, in the latter years of John's reign—they naturally found it convenient to make alliance with the native rulers of the land. These, on the other hand, were often at feud among themselves, and did not scruple to make use of the marchers' aid against one another when it suited them, though at other times they were ready to make common cause against the common enemy.

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[1] *Ann. Dunst.*, p. 53.

[2] *Pat. Rolls*, vol. i. p. 93. On Alexander's occupation of Carlisle and the ecclesiastical feud there, see *ib.* p. 111.

[3] *Ib.* p. 122.

[4] Henry was at Northampton those two days, *ib.* pp. 130, 172.

[5] *Close Rolls*, vol. i. p. 348, Northampton.

[6] *Pat. Rolls*, vol. i. p. 132.

At the opening of Henry's reign the native element in

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[1] Even in Gwynedd there were encroachments in the north-east, *e.g.*, Rhuddlan.

Wales was very distinctly in the ascendent. The old superiority, or primacy, of Gwynedd had once more become 1194–1216 a living thing. Llywelyn ap Iorwerth had been for more than twenty years extending his power over the southern and eastern principalities. He had in 1206 accepted the hand of John's elder daughter Joan—the child, seemingly, of John's early dissolved marriage with Isabel of Gloucester[1]—but throughout the civil war his sympathies were openly and actively with John's enemies. In 1215 he "and the Welsh princes in general" attacked Caermarthen and destroyed the castle, and also took and destroyed most of the other castles in South Wales.[2] On the other hand, his chief rival, Gwenwynwyn, the prince of southern Powys, offered his service to John; whereupon Llywelyn, with "most of the princes," marched into Powys and "took possession of Gwenwynwyn's whole territory to himself" in 1216.[3] At the close of 1215 the Bishop of Hereford had died.[4] He was Giles de Breuse, the head of a family whose patrimony—comprising Radnor, Brecon, and Abergavenny in Wales, besides Totnes and Barnstaple in Devonshire and Bramber in Sussex—had been forfeited to the Crown in 1210 under circumstances which made it well-nigh impossible that confidence should ever be restored between the house of Breuse and King John. Giles had indeed, only a few weeks before his death, fined with the King for restitution of all the lands which had been his father's;[5] but his next brother, Reginald, on succeeding to his hereditary claims, set himself to prosecute them by making common cause with the King's enemies in Wales. Llywelyn was now at the height of his triumph, not only in Powys, but also in Deheubarth; in 1216, at Aberdovey, in his presence and obviously under his dictation, South Wales was portioned out between the four rival representatives of its sovereign house, Maelgwn and Rhys "the Hoarse" and

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[1] After careful consideration I can see no other possible interpretation of the decree (Bliss, *Calendar of Papal Documents*, vol. i. p. 109) whereby Pope Honorius in 1226 declared Joan legitimate, but without prejudice to King Henry.

[2] *Brut y Tywysogion*, pp. 287-289.

[3] *Ib.* p. 291.

[4] About 11th November, *ib.* pp. 285-287; certainly between 2nd October and 20th November, *Close Rolls*, vol. i. pp. 232 b, 237 b.

[5] *Close Rolls*, vol. i. p. 232 b.

1216 — their nephews "Young Rhys" and Owen.[1] These latter were cousins to Reginald de Breuse.[2] With Llywelyn Reginald formed a closer connexion by taking one of his daughters to wife.[3] In August, 1216, John visited the Welsh border and sought to win the support of some of the princes, and also of Reginald de Breuse, but it "did not avail him anything." [4] Evidently they all saw in John's extremity, and after his death in his successor's youth and helplessness, their long-desired opportunity for revenge; and we can hardly doubt that it was a combination of Welshmen and followers of Reginald de Breuse who attacked Goodrich on the eve of Henry's coronation. Gualo's interdict published a fortnight later shows how clearly it was understood that Wales as a whole "held with the barons."

1217 Early in 1217 the Earl Marshal wrote in the young King's name to Reginald de Breuse, urging him to return to his allegiance and promising that if he did so, the whole of his patrimony should be restored to him.[5] Reginald however continued obstinate till the Royalist victory at Lincoln. Then he, like many others, seems to have realized that the tide had turned, and that it was time for him to turn likewise. Before Midsummer he had submitted, and he was soon reinstated in the Irish and English possessions of his father.[6] His Welsh kinsfolk promptly punished his desertion of their party; Rhys and Owen wrested from him "the whole of Builth except the castles"; Llywelyn marched upon Brecknock. Reginald however succeeded in patching up some kind of peace with his father-in-law, who thereupon turned his arms against the Flemings of Pembrokeshire, and Sept compelled them all to promise him tribute and submission.[7]

To Llywelyn, as to King Alexander, the treaty of Kingston was duly notified by Louis.[8] The new Bishop of Hereford and the Bishop of Coventry were, it seems, empowered by the Legate to receive the submission of all the Welsh princes and absolve them from excommunication at Hereford on 18th November; when this was done, Hugh de Mortimer[1] and some other barons were to escort them to Northampton for a meeting with the King.[2] Henry and the Marshal were at Northampton on 17th and 18th December;[3] but evidently the Welsh princes did not come. It may have been to keep guard on the Welsh border that the Marshal took his young sovereign to keep Christmas at Gloucester,[4] and lingered with him in the west of England throughout the first four months of the new year. In February, 1218, a safe-conduct was issued to Llywelyn that he might come and do homage to the King at Worcester.[5] No date is fixed in the letter, and no record of the homage appears to exist; but there can be no doubt that it was performed at the appointed place on or before 17th March, for on that day, at Worcester, the castles of Cardigan and Caermarthen with the lands appertaining to them were committed by the King and his council to his "beloved brother-in-law Llywelyn, Prince of North Wales," that he might hold them till the King's coming of age, maintaining them out of their own revenues, and administering justice within their territories in the King's name.[6] 1217 — 1218

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[1] *Brut*, pp. 289, 291.

[2] Sons of his father's sister Maud by her marriage with Gruffudd ap Rhys, who died in 1201. Maelgwn and Rhys Gryg, *i.e.*, "the Hoarse," were Gruffudd's brothers.

[3] *Brut*, p. 287.

[4] *Ib.* p. 293.

[5] *Close Rolls*, vol. i. p. 335, *Pat. Rolls*, vol. i. pp. 109, 110.

[6] *Pat. Rolls*, vol. i. pp. 72-75, 112.

[7] *Brut*, pp. 299, 301.

[8] *Hist. G. le Mar.*, ll. 17738-45.

Two days before, a safe-conduct had been issued to all the magnates of both North and South Wales to come and do homage at Worcester at the close of Easter (22nd April).[7] It does not appear whether any of them came, except Llywelyn, who seems to have come for a special purpose. Morgan, the lord of Caerleon-upon-Usk, had taken no notice of repeated admonitions from Louis to observe the treaty of Kingston,

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[1] Husband of Reginald de Breuse's sister Annora.

[2] *Foedera*, I. i. p. 149.

[3] Above, p. 87 note 4.

[4] *Pat. Rolls*, vol. i. p. 132; cf. *Close Rolls*, vol. i. pp. 348, 376.

[5] *Pat. Rolls*, vol. i. p. 136.

[6] *Ib.* vol. i. p. 143, *Close Rolls*, vol. i. pp. 378 b, 379. Cf. *Brut*, p. 303: "Christianity was restored to the men of the south, and Caermarthen and Aberteivi" [*i.e.*, Cardigan] "were put under the custody of Llywelyn." These two castles and the whole land of Gower had been since January, 1214, under the charge of the Earl Marshal; see *Pat. Rolls Joh.*, p. 109 b.

[7] *Pat. Rolls*, vol. i. p. 142.

1218 — and had deliberately broken truce by slaying in one day no less than ten Anglo-Normans of gentle birth, and also burning twenty-two churches.[1] The Marshal had put an effectual stop to such proceedings on Morgan's part; he "fought against Caerleon and took it"[2]—that is, according to his own biographer, his bailiff "called up his men and his friends and besieged Caerleon, and it was taken." At the "parliament" at Worcester Llywelyn asked that Morgan should, like the other allies of Louis, be formally reinstated in the right to hold his land "according to the terms of the treaty," that is, as he had held it before the war. The regent, acting on the advice of "his council"—defined as "all those who were in fealty to him"[3]—refused, on the ground of Morgan's flagrant infraction of the peace; and the "parliament" adjudged Caerleon and its appurtenances to its conqueror.[4] The general homage of Welsh magnates seems to have been postponed from the close of Easter to the morrow of Ascension day, 25th May.[5] On that or the following day, at Woodstock,[6] it at last took place, so far at least as concerned Deheubarth; the Welsh chronicles themselves tell us that "young Rhys went himself, and all the princes, by the advice of Llywelyn, to the court of the king, from South Wales, to do him homage."[7]

The homage of King Ragnald "of the Isles"—that is, the Isle of Man and the Orkneys—took longer to win, probably because he was geographically more difficult to reach. On 16th January, 1218, he was summoned to come over and do homage "and make amends for the excesses committed by his men against King Henry's men, both in England and in Ireland," and a safe-conduct was given him, to last till 30th April,[8] but he did not come; on 1st May another safe-conduct was issued to him, till 1st August,[1] again with no 1218 — result; and it was not till September, 1219, that he actually came.[2] Neither his personal contumacy nor the piratical "excesses" of his seafaring subjects, however, constituted a real danger to the peace of the realm.

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[1] *Hist. G. le Mar.*, ll. 17748-17859.

[2] *Brut*, p. 303.

[3] *Hist. G. le Mar.*, l. 17818.

[4] *Ib.* ll. 17860-17871; the story is told confusedly, but with the help of the *Brut* and the dates furnished by the Rolls the sequence of events can be made out. The Worcester *parlement* in which this discussion took place is doubtless not the first meeting with Llewelyn, in March, but the later meeting, at the close of Easter, when the court would be gathered round the king for the festival.

[5] *Pat. Rolls*, vol. i. p. 149.

[6] *Ib.* pp. 155, 156.

[7] *Brut*, p. 305.

[8] *Pat. Rolls*, vol. i. p. 133.

In the Irish dominions of the English Crown the first trouble that arose under the new reign came neither from the barons nor from the people, but from the Justiciar. Geoffrey de Marsh, who had held that office in Ireland since 1215, no sooner heard of the death of King John than he despatched 1216 to Henry, or to his guardians, letters in which he assured his young sovereign of his fidelity, and asked for instructions how to act for the furtherance of his interests in Ireland. He seems to have suggested that the Queen-mother, or the heir-presumptive, little Richard, should be sent thither to represent the Crown.[3] The Marshal sent him in reply a letter in the King's name, informing him of the coronation and the proceedings of the council of Bristol, and requesting him to receive for Henry the homage of the magnates and the King's other subjects in Ireland; also promising to send them in return a confirmation of the same liberties which had just been granted to their fellow-subjects in England. The suggestion about the Queen and Richard was politely waived with an assurance that it should be duly considered. Geoffrey was warmly thanked for his past and present loyalty, and entreated to redouble his efforts in behalf of a King whose tender years made him the more in need of his liegemen's counsel and aid.[4] On 6th February, 1217, a copy of the Charter was 1217 sent to Ireland with a letter in the King's name addressed to all the King's faithful subjects in Ireland, expressing his desire that as a reward for their fidelity to his father and a motive for its continuance towards himself they and their heirs for ever should, of his grace and gift, enjoy the same liberties which his father and he had granted to the realm of England.[5] The Marshal's policy was to bind the English

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[1] *Pat. Rolls*, vol. i. p. 150.

[2] *Ib.* p. 204.

[3] Geoffrey's letter does not seem to be extant; we only know its contents from the reply.

[4] *Foedera*, I. i. p. 145.

[5] *Pat. Rolls*, vol. i. p. 31.

1217 March in Ireland as closely as possible to the Crown; he had already issued letters patent forbidding the election of Irishmen to cathedral dignities within the King's land in Ireland, "because by such elections the peace of that land has frequently been disturbed," and commanding that when such dignities fell vacant, clerks of the King and other "honest Englishmen useful to us" (the King) "and our realm" should be elected and promoted thereto by the joint counsel of the Archbishop of Dublin and the Justiciar.[1] The Archbishop of Dublin, Henry of London, was at that time in England; but on 16th April, "although," writes the King to the barons in Ireland, "we feel his presence here is most necessary to us and our realm, and we can hardly do without his counsel," he was sent to "visit and console" his diocese, and also expressly to assist the Justiciar with his counsel and support in ordering and amending the condition of the King's Irish territory; while the Justiciar was bidden to "acquiesce in all things" in the counsel of the Archbishop, and to be guided by it in his expenditure of the money received at the Dublin Exchequer, "forasmuch as the King wills that nothing be done without his assent."[2]

The position of the Justiciar of the Irish March at this time was very much more independent than that of the Chief Justiciar of England. The Justiciar in Ireland seems to have practically had the entire control of the whole machinery of government, administration, and finance, throughout the King's Irish domains. The revenues due to the Crown, whether derived from demesne lands, or from taxes, or tolls, or from the proceeds of escheats, fines, wardships, reliefs, and the like, seem to have all passed through his hands. The fixed revenue of the Crown lands was assigned to him for the necessary expenses of government and for maintaining the defence of the land and the garrisons of the royal castles, and in remuneration of his own services; the residue he was supposed to pay into the Exchequer in Dublin, for transmission to the King when required. Moreover, it seems to have been he who appointed the wardens of the King's castles throughout the March.[1] Such a system offered facilities for almost unlimited embezzlement on the part of a dishonest Justiciar, or mismanagement and waste on the part of an incompetent one; while it left to the English government scarcely any means of proving a charge of either dishonesty or incompetence against an officer at once so remote and invested with so much independent authority. It seems clear that the reports, and the results, of Geoffrey's financial administration which reached England were not satisfactory to the regent, and that the Archbishop of Dublin was really sent not so much to "assist" the Justiciar as to hold him in check and keep a watch on his proceedings. Eight months later Geoffrey had to be reprimanded[2] for not having yet executed a royal order issued on Midsummer day for the restoration of Limerick to Reginald de Breuse[3]; and on 12th February, 1218, a long letter of remonstrance was written to him in the King's name. He had been bidden to come over and do his homage, and certify the King as to the state of the Crown's Irish lands; the King is "greatly surprised" that he has not yet come, and again bids him come without fail before Easter next, and bring with him all the money that the King's subjects and bailiffs in Ireland can be induced to furnish, for the payment of the debt to Louis, and of six hundred marks owed to the Pope, being two years' arrears of the tribute due to him from Ireland.[4] Whether Geoffrey sent any money does not appear; he certainly did not come over in person; probably, however, he made some excuse which gave the Marshal no grounds for questioning his loyalty, for his homage was left in abeyance till after the Marshal's death. 1217 — 1218

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[1] *Pat. Rolls*, vol. i. pp. 22, 23, 14th and 17th January, 1217.

[2] *Ib.* p. 57; cf. *Close Rolls*, vol. i. p. 306.

In England itself every effort was made by the government to carry out loyally the terms of the treaty of Kingston and the provisions of the Charter. On 22nd February the two Charters—the Charter of Liberties and that of the Forest—were sent certainly to one, probably to all of

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[1] These things appear from the agreement made between the king and Geoffrey de Marsh in 1220, *Pat. Rolls*, vol. i. pp. 263-264.

[2] *Ib.* p. 132, 18th December, 1217.

[3] *Ib.* p. 72.

[4] *Close Rolls*, vol. i. pp. 376 b, 377.

1218 the sheriffs, with instructions to publish them in the shire-courts, and to make all the men of the shire swear to the observance of them, as well as to take an oath of fealty to the King; especial stress was laid on the execution of the last clause in the Charter of Liberties, which enjoined the destruction of adulterine castles.[1] In July the chief Justiciar of the Forest, John Marshal, the regent's nephew, was despatched on a Forest circuit to make arrangements for deafforestations to be carried out according to the Forest Charter.[2] Such of the prisoners taken during the war, and of their captors, as were dissatisfied with regard to questions of ransom were by public proclamation, made through the sheriffs each in his shire, invited or summoned to shew their complaints on 6th May before the King's council at Westminster, for the settlement of their respective claims and the composing of their mutual differences.[3]

As a chronicler says, "it was difficult speedily to satisfy the desires of all men, and to allay in a moment the rancour of so many dissidents"; and it was also, after the turmoil of the last few years, difficult for men of the fighting classes to settle down to a life of peace. Some of them "found an outlet for the
1217 relics of discord" in tournaments.[4] The real war was no sooner ended than Englishmen became possessed by a rage for these military exercises, which until the time of King Richard had never been permitted in England, and were everywhere and always discountenanced by the Church. Their revival at a moment when the embers of war were still smouldering was obviously a matter of grave peril, requiring to be dealt with promptly and firmly. It was a curious turn of fate that compelled the Earl Marshal, who had spent his youth and acquired his knightly repute in the lists of France and Flanders, to use his power for the suppression of this mimic warfare in his native land; and the first letter patent in which a tournament was forbidden by him—on 4th October, 1217, little more than a week after the departure of Louis—reveals

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[1] *Close Rolls*, vol. i. p. 377.

[2] *Pat. Rolls*, vol. i. p. 162, 15th April, 1218.

[3] *Close Rolls*, vol. i. p. 358 b.

[4] W. Cov., vol. ii. p. 240; cf. *Hist. Ducs*, p. 207, and *Ann. Dunst.*, p. 51.

with characteristic simplicity his reluctance to commit his 1217 — young sovereign to a condemnation of tournaments in general; "Know ye," the King is made to say, "that we will and ordain that this tournament be not held, for no other reason than this, that we fear a disturbance of our realm; which may God avert."[1] Ten months later the young King's uncle, Earl William of Salisbury, was forbidden to hold a tournament for which he was making preparations at Northampton, "till by God's help and the counsel of our faithful men, and of yourself" (Salisbury), "the state of peace in our realm shall be made firmer and more secure."[2] Similar prohibitions occur again and again;[3] but they were ineffectual by 1220 the condemned practice had become so general that, according to one monastic chronicler, "tourneyers, their aiders and abettors, and those who carried merchandise or victuals to tournaments were ordered to be all together excommunicated every Sunday."[4]

Other restless spirits seem to have found occupation in 1218 persecuting the Jews. In March, 1218, the Jews of Gloucester, Lincoln, Oxford, and Bristol were placed under the special charge of twenty-four citizens in each city, whose names were to be enrolled, and who were to guard the Jews against molestation from any one, "especially from Crusaders";[5] and it was probably to facilitate the duties of these guardians, by rendering the persons under their charge distinguishable at a glance, that the Jews were all ordered to wear, when out of doors, two white "tablets" of linen or parchment on the front of their upper garment.[6] These ordinances were no doubt called forth by some unrecorded outrages whose origin we may, from the words about "Crusaders," gather to have been closely connected with a matter which was now beginning to engage more worthily the militant spirits of the time. In November, 1215, a General Council assembled at Rome under Innocent III had decreed a new Crusade, in response to an appeal for succour which the King of the Latins in Holy Land, John de Brienne, had made three

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[1] *Pat. Rolls*, vol. i. p. 116.
[2] *Ib.* p. 174.
[3] *Ib.* pp. 194, 195, 198, &c.
[4] *Ann. Dunst.*, a. 1220, p. 60.
[5] *Close Rolls*, vol. i. pp. 354 b, 357, 359 b.
[6] *Ib.* p. 378 b.

1218 years before. Some English barons and knights had taken the Cross, but they had been too much occupied with the troubles in their own land to attempt the fulfilment of their vow till the civil war was ended. Whenever and wherever a Crusade was preached, the ruder and more ignorant among the votaries of the Cross, in their impatience to attack its enemies, were too apt to begin with those who were nearest at hand, and who were also most unpopular on other grounds than religious ones—the Jews. It is, however, highly probable that the general peace of the realm was the more easily preserved during the next year or two because several of the leading barons of both parties in the civil war now took themselves out of the country altogether, and went to sink their differences, for a while at least, in the common cause of Christendom against Islam. The first of the magnates who actually set out, it seems, were two steady loyalists, the Earls of Chester and Ferrers, who with Brian de Lisle, John de Lacy the constable of Chester, William de Harcourt, "and many others," started at the end of May or beginning of June 1218.[1] Within a few months the Earl of Arundel,[2] Baldwin de Vere, Geoffrey de Lucy, Odonel the son of William d'Aubigny,[3] and the king's half-brother Oliver,[4] all took the Cross, and so did two of the leaders of the other party—Robert FitzWalter and Saer de Quincy, Earl of 1219 Winchester.[5] Saer died in Holy Land,[6] and so did Baldwin de Vere; Robert FitzWalter came home in broken health,[7] and seems thenceforth to have withdrawn from public life.

Still there remained men of both parties whom it was hard to bring or keep under control. Throughout Henry's minority his guardians found themselves at intervals in difficulties with certain men who "presumed to keep in their hands, contrary to the King's prohibition and the will of the owners, castles and lands belonging to some of the bishops and magnates"[1]—and, the chronicler might have added, to the King himself. The earliest case of flagrant insubordination in this respect was that of Robert de Gaugy. In 1215 Bishop Hugh of Lincoln had delivered to King John the castles belonging to his see, to be garrisoned for and by the King during his struggle with the rebel barons. One of these castles, Newark, was given in charge by John to Robert de Gaugy, on condition of an oath sworn by Robert that in case of John's death he would surrender the place to no one save the bishop.[2] Two months later John died in that very castle. On 10th June, 1217, Robert was by letters 1217

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[1] The *Ann. Dunst.*, a. 1218, p. 54, say all these started in May. The *Ann. Wav.*, a. 1218, say Chester and Ferrers started at Whitsuntide (Whit Sunday was 3rd June), and place Harcourt's departure in the following year. Cf. W. Cov., vol. ii. pp. 240, 241.

[2] R. Wend. vol. iv. p. 44; *Ann. Wav.* and *Dunst.*, a. 1219.

[3] *Ann. Dunst.*, a. 1219.

[4] R. Wend., *l.c.*

[5] R. Wend., *l.c.* *Ann. Dunst.* and *Wav.*, a. 1219. In a letter patent dated 20th January, 1219, the king takes under his protection until June 24th a ship which Saer "sibi parari fecit in partibus Galweiae ad eundum in partes Bristoll, pro victualibus et armis et aliis sibi necessariis ad iter peregrinacionis suae quod facere disponit in terram Jerosolymitanam." *Pat. Rolls*, vol. i. p. 185.

[6] *Ann. Wav.*, a. 1219.

[7] *Ann. Dunst.*, a. 1219, p. 56.

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[1] The story of the siege of Newark in 1218 is prefaced by Roger of Wendover, vol. iv. pp. 34, 35, as follows: "Erant autem his diebus multi in Anglia quibus tempore belli praeteriti dulcissimum fuerat de rapinis vixisse, unde nunc post pacem denuntiatam et omnibus concessam non potuerunt manus a praeda cohibere; horum autem principales fuerunt incentores Willelmus comes Albemarliae, Falcasius cum suis castellanis, Robertus de Veteriponte, Brienus de Insula, Hugo de Baillul, Philippus Marci, et Robertus de Gaugi, cum aliis multis, qui castella quorundam episcoporum ac magnatum cum terris et possessionibus contra regis prohibitionem et illorum voluntatem detinere praesumpserunt eisdem; inter quos Robertus de Gaugi, post multas regis admonitiones, castellum de Newerc cum villa tota et pertinentiis, quae ad jus Hugonis Lincolniensis episcopi spectabant, ei reddere contradixit." Mr. Turner ("Minority," part II., *Trans. Roy. Hist. Soc.*, 3rd ser. vol. i. pp. 221-222) has shown that not only up to this date, but for several years after, there is no evidence on this subject against Falkes, and that there is none whatever, at any date, against Brian de Lisle, Philip Marc, and Robert de Vipont. Hugh de Balliol really was contumacious, and so too, though as yet in a much lesser degree, was William of Aumale (*ib.* pp. 223, 237). It is quite clear that, as Mr. Turner says (p. 222), Roger's account of the Newark affair was written some years after the occurrence, and that Roger "had in mind the events of the years 1224 and 1225 when he was writing of 1218." A hint of this confusion lurks in a detail which seems to have escaped Mr. Turner's notice. Roger, immediately before the passage quoted above, says that Henry kept Christmas, 1217 (1218, in Roger's reckoning), at Northampton with Falkes. But as a matter of fact Henry kept that Christmas at Gloucester; see above, p. 91. Obviously Roger was confusing the Christmas of 1217 with that of 1223, the one which immediately preceded the redistribution of royal castles in 1224, and which Henry really did spend at Northampton, though not as Falkes's guest.

[2] *Pat. Rolls Joh.*, p. 193 b. See details in Turner, pt. II. pp. 222-225.

1217 — patent ordered to deliver Newark to its rightful owner.[1] It seems to have been anticipated that he might plead his oath to John as binding him to surrender the place only to the bishop in person; Henry de Coleville, a knight holding land under the see of Lincoln, was sent by the bishop to Newark, accredited by letters under the bishop's seal authorizing him to receive the castle in the bishop's stead, and also carrying letters from the Legate certifying that he, Gualo, was responsible for the bishop's detention in London on business of state. Robert, however, refused to deliver Newark to Henry de Coleville, partly, it seems, on the ground of his oath, partly on the plea that the Crown owed him some money. On 23rd June the Council in the King's name promised that if this latter plea should prove to be just, Robert's claims should be satisfied, provided that he delivered Newark to Coleville without further delay.[2] This second summons had to be followed up by a third, on 23rd July, insisting that Robert should either at once obey, or come before the King's Court at Oxford on 5th August, to hear and do what the Council should determine.[3] The Council's decision appears to have simply confirmed the mandate of 23rd June; on 13th August De Gaugy is told that he has made himself liable to a very severe sentence by his contempt of the judgement of the King's Court in still retaining Newark, but, in consideration of his long service to the late King and the present one, his claim shall be satisfied if he will without fail come and stand to the judgement of the King's Court concerning the castle on 31st August at Oxford.[4] It was, however, not till 26th October that Robert made a formal surrender of Newark into the hands of the King himself, for the Bishop of Lincoln, and took an oath that within forty days he would clear the place of himself and his men and deliver it bodily to the bishop in person or to whomsoever the bishop should delegate for that purpose; and also that in the meantime he would do no harm or damage to any of the bishop's men, lands, or goods. The constables of Lincoln and Nottingham (the two nearest royal castles) were bidden

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[1] *Pat. Rolls Hen. III*, vol. i. p. 68.

[2] *Ib.* p. 71.

[3] *Ib.* p. 81.

[4] *Ib.* p. 85.

to enforce full amends for any infraction of this last promise;[1] 1217
a detail which seems to imply that Robert was suspected of
being actuated by personal ill-will towards the bishop.
Three months passed, and Newark was still occupied by
Robert and his men. Then, on 27th January, 1218, the 1218
temporalities of the see of Lincoln were committed—having apparently been placed in the King's hand by the bishop specially to that intent—to two laymen, and the constables of its castles, Banbury, Sleaford, and Newark, were ordered to resign their respective charges to the new custodians.[2] Again Robert de Gaugy disobeyed the royal order; and on 14th March the sheriff of Nottingham (Philip Marc) was bidden to join the Bishop of Lincoln in driving him out of Newark by force.[3] Either their joint attempt failed, or the bishop shrank from this extreme measure; at last, on 4th July, the Earl Marshal took upon himself to subdue the obstinate rebel, and summoned thirty miners from Gloucestershire to meet him at Stamford, where the royal forces were to muster for the siege of Newark.[4] He and the King left London on July 8th; on the 20th they reached Newark, and next day they wrote to the mayor of Lincoln for materials needed for the siege.[5] The Marshal apparently saw no occasion for superintending its conduct in person; on the 23rd he and the King withdrew to Leicester, and by the 26th they were in Oxfordshire.[6] Probably before they left Newark their military demonstration had done its work in frightening Robert sufficiently to make him offer terms, not indeed to the government, but to the Bishop of Lincoln. Some friends of Robert's made overtures of peace to Hugh; Hugh agreed to pay Robert a hundred pounds for the provisions in the castle, and Robert apparently evacuated it forthwith.[7] On 27th July he made formal surrender of it into the hand of the King in person, at Wallingford, and the King committed it to the custody of the Bishop of Winchester, who was to do with it whatever the Legate should

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[1] *Pat. Rolls*, vol. i. p. 121.

[2] *Ib.* pp. 134, 135.

[3] *Close Rolls*, vol. i. p. 378.

[4] *Ib.* p. 365.

[5] *Ib.* p. 365 b.

[6] *Pat. Rolls*, vol. i. pp. 162, 163.

[7] R. Wend., vol. iv. pp. 35, 36.

1218 direct.[1] No doubt it was restored to the Bishop of Lincoln. Robert de Gaugy was struck dead by lightning at S. Neot's before the year was out.[2]

As the second year of little Henry's reign drew to a close, his guardians seem to have felt it time to make arrangements for securing that the validity of acts done and orders issued in his name should no longer be dependent on any individual, even though that individual were the Governor of King and Kingdom or the Legate. It is probable that a change in the legation was known to be impending,[3] and also that the physical strength of the aged Marshal was beginning to give way under the strain of his great labours and responsibilities, when the making of a new royal seal was entrusted to a goldsmith named Walter "of the Hithe." The seal was of silver, of the weight of five marks.[4] It was first used on 3rd or 4th November, 1218, to authenticate an ordinance specially designed to guard against a possible misuse of it during the King's minority. Letters patent were issued warning all men that no grant in perpetuity was to be sealed with it till the King's coming of age, and that any such grant found thus sealed should be null and void.[5] It was probably on the same occasion that the Bishop of Winchester, the Chancellor, the Justiciar, and "the King's common council" made oath in the Legate's presence that they would "keep and hold the King in seisin of all the lands which were in the hand of his father, King John, on the day when war was first begun between him and his barons of England, and that nothing should be done in the way of granting or alienating any land so that it should be ceded to any man in perpetuity so long as the King was under age."[1] The letter patent concerning the use of the seal was attested by the Legate, the Archbishops Stephen of Canterbury—who had returned from Rome in May[2]—and Walter of York, the Justiciar, and a number of other prelates and nobles.[3] Its attestation must have been almost the last of Gualo's public acts in England. His work there was done, and well done; he wished to resign his office; and the Pope, who had other work for him elsewhere, had accepted his resignation. In the last week of November he set out on his homeward journey.[4] A few days later a new Legate came to take his place.[5] 1218

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[1] *Pat. Rolls*, vol. i. p. 164.

[2] *Ann. Dunst.*, a. 1218.

[3] Gualo had certainly sent in his resignation to the Pope; it was on 12th September, 1218, that Honorius appointed Pandulf legate to England, Gualo having resigned that office: Bliss, *Calendar of Documents*, vol. i. p. 58.

[4] "Liberate de thesauro nostro Waltero aurifabro qui fecit sigillum nostrum v marcas pro argento sigilli nostro ponderante v marcas; et pro opere mercedem suam ita reddatis quod de jure contentus esse debeat," *Close Rolls*, vol. i. p. 381 b, 7th November 1218. The sum finally decided upon as that "wherewith he ought by rights to be content" was forty shillings, which another writ addressed to the treasurer and chamberlains on 2nd December authorised them to pay "Waltero de Ripa aurifabro in mercedem operis sigilli nostri quod fecit"; *ib.* p. 383.

[5] *Pat. Rolls*, vol. i. p. 177. This letter has no date; but it heads the Roll of 3 Hen. III, and is entitled, "Primae litterae novi sigilli domini regis, de cartis vel litteris patentibus non faciendis; et hic incepit sigillum domini regis currere." In the Close Roll of the same year (vol. i. p. 381) there is a note, "Hic incepit sigillum domini regis currere," inserted between the abstract of a letter dated 3rd November and that of a letter dated 5th November. The earliest dated document expressly stated in the Rolls to be "sealed with our seal" is a patent of 4th November, *Pat. Rolls*, vol. i. p. 207.

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[1] On 3rd September, 1220, Henry writes to Almeric of Limoges: "Sciatis quod cum dominus Gualo titulo S. Martini presbyter cardinalis Legatus esset in Anglia, juratum fuit in praesentia ipsius per dominum Wintoniensem episcopum, et cancellarium nostrum, et Hubertum de Burgo justiciarium nostrum, necnon et per commune concilium nostrum, quod ipsi nos custodient et tenebunt in seisina omnium terrarum quae fuerunt in manu domini Johannis Regis patris nostri die qua guerra primo mota fuit inter ipsum et barones suos Angliae, et quod nec aliquid fiet de terra aliqua conferenda vel alienanda, quamdiu infra aetatem fuerimus, quod cedere possit alicui ad perpetuitatem," *Foedera* I. i. p. 163. It is possible that this transaction, of which I have found no other mention, may have taken place at the council of Bristol in November, 1217; but if it had we should have expected the Marshal to be named among those who took the oath. The date which I have suggested for it seems therefore more probable.

[2] *Chron. Melrose*, a. 1218, p. 134.

[3] *Pat. Rolls*, vol. i. p. 177. The statement of the Waverley Annals, a. 1218, that the Charter was again re-issued after Michaelmas, is clearly erroneous; this supposed confirmation is, as Professor Powicke says ("Chancery," *Eng. Hist. Rev.*, vol. xxiii. p. 234), "obviously that of 1217."

[4] "Circa festum S. Clementis," *Ann. Wav.*, a. 1218; "circa festum B. Andreae," R. Coggeshall, p. 186, and M. Paris, *Chron. Maj.*, vol. iii. pp. 42, 43. He seems to have carried with him a part, but still only a part, of the arrears of tribute due from England and Ireland to the Pope: "Soluta est vicesima pars trium annorum ab Anglis Ecclesiae Romanae," say the *Ann. Winton.*, a. 1219; on the debt for Ireland, see above, p. 95. The Barnwell Annalist says Gualo went "cum infinita pecunia, quocumque modo adquisita" (W. Cov., vol. ii. p. 241); but the insinuation here implied, and the charges of avarice and extortion brought against Gualo by some modern writers, are groundless. See Turner, pt. I., pp. 225, 256, note 1.

[5] R. Coggeshall, p. 186.

1219 At Candlemas, 1219, the Marshal fell sick. The court was then in London; but he seems to have been absent from it for a few days when he was taken ill, for his biographer says he "rode to London in pain."[1] There, with his wife, he lodged in the Tower—still, despite increasing illness, attending to the duties of his office—till the middle of March, when, feeling that the end was drawing near, he sent for his son and his men and "spoke comfortable words to them, as he well knew how." By the advice of "several who loved him heartily," he made his will, deliberately and carefully. Then he asked his son and Henry FitzGerold to carry him to his manor of Caversham, "for he thought he could bear his sickness more easily in his own house, and if he were to die, it were better that he should be at home than elsewhere." They carried him thither in a boat, his wife accompanying him in another boat.[2] The court seems to have immediately removed from London to Reading, probably as the most convenient place where the Council could all assemble within such a distance of Caversham as enabled them to keep in constant communication with him.[3] To the King and the Council at Reading he sent a message, asking that they would all come to speak with him; and they came. "Simply they sat around him" while he spoke to the King: "Fair sweet sir, in presence of these barons I wish to tell you that when your father died and you were crowned, it was arranged that you should be given into my charge, and so you were, that I should defend your land, which is not easy to hold. I have served you, I can truly say, loyally and to the uttermost of my power; and I would serve you yet, if it pleased God to enable me; but every one can see it is not His Will that I should abide longer in this world. Wherefore it is fitting, so please you, that our baronage choose some one who shall guard you and the realm in such a way, if he can, as to please both God and men. And may God grant you to have such a master as may be to our honour!" Up rose the Bishop of Winchester and spoke: "Hearken now! Marshal, the land was given you to hold and the realm to maintain, I grant it; but the King was given to me." "Out upon you!" said the Marshal, "Lord Bishop, that saying is wrong; you should have held your peace. You were never concerned in this matter. The time is not very long since you and the good Earl of Chester besought me with tears that I would be guardian and master of the King and the kingdom both together; your memory is short, meseems; and the Legate was at great pains about the matter, and begged and commanded me, till from you all, together with him, I received the King and the kingdom. And when I had received the King, it was well seen and heard, I assure you, that I gave the King into your hand, for he could not go travelling about; therefore I gave him to you to take care of him." Here, seized with sudden pain, he turned to the Legate: "Go now, and take the King with you; and to-morrow, if you please, be good enough to return. I will take counsel with my son and my people, and provide some one to undertake the business; and may God guide our counsels aright!" 1219 —

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[1] *Hist. G. le Mar.*, ll. 17881-86.

[2] *Ib.* ll. 17886-17936. The poet says the Marshal stayed in London till after the beginning of Lent; and this is confirmed by the Rolls. We have no attestations of the Marshal between 15th March (Mid-Lent) and 20th March, but on the 20th he attests a letter at Caversham, *Pat. Rolls*, vol. i. p. 189. On the attestations of royal letters during the last few weeks of his life see Turner, pt. I. p. 291.

[3] This seems to be the meaning of *Hist. G. le Mar.*, ll. 17941-48, compared with the letters attested by the Marshal on 24th and 28th March and 4th April, two of them "in the presence of Bishop Peter" (*Close Rolls*, vol. i. pp. 389 b, 390), and those attested by Peter at Caversham on 2nd April (*Pat. Rolls*, vol. i. p. 190), and by Pandulf and Peter at Reading on 10th and 11th April (*Close Rolls*, vol. i. p. 390).

Next morning he called his son, his wife, his nephew John, and his most trusted advisers, and told them his project: that the King "should be committed to God and the Pope, and to the Legate." "For in no land are the folk of so many different minds as in England; and if I committed him to one, the others, you may be sure, would be envious." "If the land be not defended by the Pope at the present juncture, then I know not who should defend it." To this they all agreed. So when the King, the Legate and the great men

1219 came again, "the Marshal raised himself on his side, and called the King, and took him by the hand, and said to the Legate: 'Sir, I have thought long and carefully about what we spoke of yesterday. I will commit my lord here into the Hand of God, and into the hand of the Pope, and into yours, you being here in the Pope's stead.' Then he said to the King: 'Sir, I pray the Lord God that, if I have ever done anything that pleased Him, He may grant you to be a brave and good man; and if you should go astray in the footsteps of any evil ancestor and become like to such, then I pray God, the Son of Mary, that He give you not long life, but grant you to die at once.' 'Amen,' answered the King." Another attack of pain seems to have compelled the Marshal again hurriedly to dismiss the assembly: but he at once sent his eldest son after them, that he might formally deliver the King, "in the sight of the baronage," to the Legate, in order that no man should be able to say this thing was done in a corner. The young Marshal fulfilled his commission; taking the King by the hand, "in the sight of all he offered him to the Legate. But the Bishop of Winchester sprang up and took the child by the head. 'Let be, my Lord Bishop!' said the young Marshal, 'concern yourself not with this matter; I wish it to be seen that I fulfill all my father's command.'" The Legate rose up to receive the King, and sternly rebuked Peter.[1]

The old Marshal, feeling, as he said "delivered from a great burden," lingered for some weeks longer, and died on 14th May, conscious to the last, in the act of making the sign of the cross.[2] Earls, barons, bishops, abbots, joined the funeral train as it passed from Caversham to London; and with every imaginable token of honour and reverence from clerks and laymen alike, the Marshal was laid to rest, as he had desired, **1219** in the church of the Knights of the Temple; Archbishop Stephen of Canterbury taking the chief part in the burial service and paying the last honours to the man whom he too, as he stood by the open grave, declared to have been "the best knight of all the world that has lived in our time."[1]

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[1] *Hist. G. le Mar.*, ll. 17949-18114. Cf. the statement made on the King's behalf in the indictment against Hubert de Burgh in 1239, that the Legate (by a clerical error or a slip of memory miscalled "Gwalla") "de commune consilio et provisione totius regni post mortem Marescalli fuit primus consiliarius et principalis totius regni Angliae," *Responsiones pro Huberto*, M. Paris, *Chron. Maj.*, vol. vi. p. 64.

[2] See the extremely interesting account of his last days and death, *Hist. G. le Mar.*, ll. 18121-18973. The date—14th May, Tuesday before Ascension Day—is given in *Ann. Wav.*, a. 1229.

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[1] *Hist. G. le Mar.*, ll. 18983-19073.

# CHAPTER III

## THE LEGATION OF PANDULF

### 1219-1221

Car n'a tele gent en nule terre
Comme il a dedenz Engleterre
De divers corages chascuns ;
. . . .
Si la terre n'est defendue
Par l'Apostoire en icest point
. . . .
Dont ne sai je qui la defende.

*Hist. G. le Mar.*, ll. 18041-18060.

Ille [Pandulfus] multos bellicos tumultus nondum congelatos auctoritate sibi tradita tempore legationis viriliter comprimebat.

*Flores Historiarum*, a. 1221.

THE new Legate was not a stranger to England. His first recorded visit there had taken place in 1211. He was then in subdeacon's orders, and a member of the household of Pope Innocent III.[1] Of his earlier life nothing is known, except that he was a Roman by birth ;[2] but King John seems to have already had some indirect knowledge of him, for it was at John's request that he and another papal envoy, a brother of the Temple, were appointed by Innocent to go and confer with the King of England for the restoration of peace to the English Church.[1] In the one interview which took place between the commissioners and the King, Pandulf was the spokesman on the papal side; and John found that he had mistaken his man. The subdeacon simply stated the terms which he was instructed to offer to John; a long argument ensued, in which John was worsted; but he still refused to submit, whereupon Pandulf told him to his face, in the presence of all the court, that the Pope meant to subdue him and had already excommunicated him and absolved his subjects from their allegiance, and that the sentence was to take effect from that day forth. "If I had not sent for you, I would make you ride about my realm for a year!" raved the King. "You might as well say you would hang us," coolly answered Pandulf; "we look for no other reward from you"; and when John tried to frighten him by issuing in his presence orders for the mutilation and execution of sundry prisoners, one of whom was a priest, the only result was that Pandulf went to fetch a candle for the avowed purpose of formally excommunicating then and there any person who should lay hands on this particular victim, and that John, evidently alarmed lest the candle should be used against himself as well as against his officers, hurried after the dauntless subdeacon and surrendered the man to his judgement.[2] Thenceforth Pandulf became the Pope's special confidant and assistant in all matters relating to England and its King. It was he who in January, 1213, carried to Philip Augustus the Pope's letter charging Philip with the execution of the sentence of deprivation against John; and it was he alone who shared with the Pope the secret of the negotiations which were then already afoot for rendering Philip's expedition needless. Four months later he was in England again, receiving, in the Pope's behalf, first John's assent to the identical terms which he had refused in 1211, and secondly the King's homage to the Roman See for the realms of England and Ireland.[1]

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[1] He is called "Magister Pandulfus, subdiaconus et familiaris domini Papae," until his election to the see of Norwich in July, 1215, and even afterwards. See the preamble to Magna Charta, and *Pat. Rolls Joh.*, pp. 154 b, 181. Roger of Wendover (vol. iii. p. 235) calls him cardinal in 1211 ; but Pandulf never was a cardinal at all.

[2] *Ann. Worc.*, a. 1215.

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[1] "Domine, de longinquo venimus huc per petitionem tuam," is the opening speech of the envoys to John, in *Ann. Burton* a. 1211, pp. 209-210; and the king at the end of the discussion bursts out—"Intimatum mihi erat per quosdam latores meos, immo latrones, quod vos in curia Romana promoveretis causam meam et quod me diligeretis; modo vero hic percipio quod causam meam non fovetis . . . Talia autem mihi nunciaturos non mandavi, sed ut causam meam defenderetis," *ib.* p. 216.

[2] *Ib.* pp. 209-217.

After a hurried visit to France, to stop the intended invasion from thence,[2] Pandulf returned to England, and remained there till the beginning of the next year. His position during this time is somewhat difficult to define. His official rank was merely that of "the Pope's messenger";[3] he had never held a commission as Legate; and the distinction between the two offices was clearly marked when in September, 1213, an envoy of higher standing in the Curia, Nicolas, Cardinal Bishop of Tusculum, came clothed with the full powers of a Legate *a latere* to receive a repetition of John's homage to Rome, and to raise the Interdict as soon as the bishops and clergy should have been compensated for their losses and wrongs. Certain payments made to Pandulf on the King's behalf seem to indicate that he was the authorized receiver of the earliest instalments of the tribute to Rome.[4] John had already made a friend of the man who had withstood him in 1211; the Pope's clerk was taken into the counsels of the King; "We have granted to Master Pandulf that a truce be made between ourself and the Welsh," wrote John to the Marcher barons in July, 1213;[5] and when Pandulf went over sea in January, 1214, he went as "the King's messenger"[6]—whether to France or to Rome, there is nothing to shew with certainty; but it is probable that he carried some of the tribute money to the Pope. He seems to have been back in England by the end of the year, when the recall of Nicolas of Tusculum left him once more sole representative of the Pope in England, but still without any higher title than before. In the spring of 1215 he and the Bishop of Chichester conjointly were delegated by the Pope to investigate the merits of a project for dissolving the union between the see of Bath and the abbey of Glastonbury.[7] In the preamble to the Great Charter "Master Pandulf, the Pope's subdeacon and familiar," stands with the Master of the Temple between the bishops and the lay magnates in the list of the King's advisers; and he is the last named of the three commissioners (the other two being the Bishop of Winchester and the Abbot of Reading) to whom the Pope addressed his letter ordering that the "disturbers of King and kingdom" should be proclaimed excommunicate by the bishops. If any of these latter failed to obey the order, the commissioners themselves were empowered to suspend the recalcitrant prelates; and thus it fell to the lot of Pandulf and Bishop Peter to proclaim the suspension of Archbishop Stephen.[1]

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[1] See *John Lackland*, pp. 175, 179, 180.

[2] R. Wend., vol. iii. p. 256.

[3] "Domini Papae nuncius," June, 1213, *Pat. Rolls Joh.*, pp. 99 b, 100 b.

[4] *Ib.* p. 107, 1st January, 1214.

[5] *Ib.* p. 100.

[6] "In nuncium nostrum," *Close Rolls*, vol. i. p. 141.

[7] *Pat. Rolls Joh.*, pp. 129 b, 132.

Some seven or eight weeks before this, Pandulf had been—of course on the King's recommendation—elected to the bishopric of Norwich;[2] but no steps towards his consecration were taken for more than six years. Shortly after the middle of September, 1215, he seems to have gone to Rome on a mission from John, who wrote to the Pope that "although Master Pandulf is most useful to us in England, inasmuch as he labours faithfully and devotedly for the honour of the Roman Church and of ourself and our whole realm, yet we send him to your Holiness because we can trust no one else to explain the state of ourself and our realm so well as he can do it."[3] We find no further trace of Pandulf for nearly two years. It is doubtful whether he had returned to England before John's death; Gualo had been residing there as Legate since May, 1216, and the subdeacon's presence was therefore no longer necessary for the interests of either Pope or King. In July, 1218, he was at Rome, acting as notary to the Pope.[4] On 12th September Honorius appointed him to the office which Gualo had just resigned;[5] and on 2nd December he was formally welcomed as Legate in S. Paul's cathedral in London.[6]

Pandulf had well earned his promotion; and the special appropriateness of his appointment as Legate in England was obvious. His qualifications for the post may be summed

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[1] R. Wend., vol. iii. pp. 336–338, 340.

[2] Between 15th and 18th July; *Pat. Rolls Joh.*, pp. 149, 149 b.

[3] *Ib.* p. 182 b, 13th September, 1215.

[4] Bliss, *Calendar*, vol. i. p. 56.

[5] *Ib.* p. 58.

[6] R. Coggeshall, p. 186.

1219 up in an adaptation of the words in which John had commended him to Honorius: there was no one in the Roman Curia who could be trusted to understand and manage the affairs of John's heir and of his realm so well as this man whom King and Pope alike had found by experience to be "most useful, faithful, and devoted" to the interests of both. As Legate, Pandulf came to his task in far less difficult circumstances than Gualo had done. Even when he set out from Rome, however, there must have been a general consciousness that the new Legate would ere long have to take upon him another charge, with which his predecessor had never been burdened. The selection of an English noble, instead of the legal representative of the overlord of England, as governor of King and kingdom in 1216 had been occasioned by circumstances which in 1218 had ceased to exist. There was now no invader to expel, no rebellion to subdue, no need for a warrior-regent: and there was also no man among the baronage clearly marked out for the regent's office as the Marshal had been by his personal qualities and by the universal estimation of his fellow barons. It is only fair to the English magnates to say that there are no indications of rivalry among them for the reversion of the regent's office; but there can be no doubt that, as the Marshal himself foresaw, the appointment of any one of them as his successor must inevitably have led to jealousy and discord, and that the only person who could safely take the foremost place in the government after him was the representative of the Apostolic See. The matter might indeed not have been settled without difficulty, had its settlement been postponed till after the Marshal's death. His forethought and his influence averted the danger, and from the day when he transferred the custody of the King to Pandulf at Reading the Legate was recognized as chief among the guardians of little Henry and his realm.

Pandulf's supremacy, however, was of a different character from that of the Earl Marshal. Theoretically, it was more absolute, for the powers which had appertained respectively to the Marshal and to Gualo were united in his person; he was at once the elected regent of the realm and the representative of its overlord. But practically his rule was less absolute, because he had the good sense to recognize from the outset that the direction of the entire home and foreign policy of England, and of its internal government, was a charge too great for a foreign ecclesiastic to undertake single-handed. He did not assume the title of "ruler of King and kingdom"; and he shared the functions of that office with the Justiciar and the Bishop of Winchester. He took but little part in the routine of administrative business; he is seldom found attesting royal letters; he left such matters to Hubert and Peter. From the very beginning of his regency, however—even before the death of the Marshal—he claimed an exclusive right of supreme control over one department of royal administration: the treasury. This appears from some letters written by him from the west of England to the treasurer Eustace de Fauconberg and the vice-chancellor Ralf de Neville in London, in the spring of the year 1219.[1] Soon after the council at Reading, Pandulf went to reside for some weeks first at Cirencester, and afterwards at the abbey of Lantony at Gloucester. On 30th April he wrote from Cirencester to Eustace and Ralf conjointly: "By our authority as Legate we lay upon you strict injunctions to give all attention and diligence to the business of the Exchequer; to deposit what money you can get in the house of the Temple in London, and to pay nothing of it out to anybody without our special command and licence; and we strictly forbid that the seal be withdrawn from the Exchequer at the bidding of anyone."[2] At the same time he wrote a separate letter to Ralf, ordering him "not to withdraw from the Exchequer with the seal at anyone's bidding, because the proceedings of the Exchequer and the advantage of the King would be hindered thereby."[3] On 10th May he "warned and exhorted" Ralf to "attend faithfully and devotedly to the King's business, and especially the business of the Exchequer which is at present imminent."[4] In subsequent letters to Ralf he emphatically reiterated his orders to store 1219 —

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[1] On the date of this correspondence see Professor Powicke's article on "The Chancery during the Minority of Henry III," *Eng. Hist. Rev*, vol. xxiii. p. 229.

[2] *Roy. Lett.*, vol. i. p. 113.

[3] *Ib.* p. 112.

[4] *Ib.* p. 117.

1219 up money in the Temple and to let none of it be paid out "without our knowledge and command"; on one occasion giving as a reason that "as you well know, the King is burdened with many debts."[1] On 16th May he so far relaxed his injunction to Ralf about not quitting the Exchequer as to give him leave "the holy blissful Martyr for to seek,"[2] if he wished it, and if there was nothing that needed to be done at the Exchequer; "but," he added, "make haste back, and deposit the King's seal under your own in the Temple till you return"; and on 26th May he again told the vice-chancellor not to leave the Exchequer "at the bidding of any man."[3]

It is not certain whether the seal referred to in these letters is the King's great seal or its duplicate the seal of the Exchequer. Nominally, the custody of both these seals appertained to the Chancellor; but since the latter years of Henry II a large part of the Chancellor's duties, including the keeping of the great seal, had been usually delegated to a vice-chancellor; and the whole of them were left in the capable and trusty hands of Ralf de Neville throughout the greater part of the chancellorship of Richard de Marsh, which lasted from 1214 till 1226.[4] The Exchequer seal was never permitted to leave the precincts of the Exchequer, where it was kept by the Chancellor "through a deputy,"[5] who doubtless might be, but was not necessarily, identical with the vice-chancellor. With the paying of money out of the Exchequer neither Chancellor nor vice-chancellor, as such, had anything to do; this was a part of the business of the treasurer and chamberlains. It seems probable that the vice-chancellor may have been also one of the chamberlains acting at the Exchequer at this time.[6] It is certain that he was in Pandulf's fullest confidence;[1] and he may thus in a twofold or even threefold capacity—as keeper of the King's great seal, as the Chancellor's deputy having the custody of the Exchequer seal, and as chamberlain—have supported Pandulf's efforts to maintain, as a special prerogative attached to the regent's office, the right of exclusive control over the Exchequer.[2] That there was some matter under discussion between the Legate, the Justiciar, the treasurer, and the vice-chancellor, is clear from a letter written by Hubert de Burgh on 15th May to Eustace and Ralf in which he says the Legate "sent us word that he will labour altogether by our counsel for God's honour and the King's advantage; and we sent him word that if he will acquiesce in your advice, we will acquiesce in his counsel, for God's honour and the advantage of the King."[3] The constitution of the Exchequer underwent great changes in the course of the next fifteen years; and some of these changes may have owed their origin to Pandulf, who perhaps made, or attempted to make, some experiments in the re-organization of this department of the government, possibly with a view to checking what he may have regarded as extravagance on the Justiciar's part in the disposal of the King's money. Some months later we find him exhorting Hubert also to "take effectual steps concerning the business of the Exchequer";[4] and four years later one of the charges brought against Hubert was that of having been "a waster of the King's treasure."[5] There is, however, no means of ascertaining what really lay behind Pandulf's mysterious orders to 1219

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[1] *Roy. Lett.*, vol. i. p. 120.

[2] "Si . . . ad beatum Martyrem visitandum ire velitis."

[3] *Ib.* pp. 119-121.

[4] On the whole subject of Chancellor, Vice-chancellor, and custody of the seals, and on Richard de Marsh and Ralf de Neville, see Powicke, pp. 223-231.

[5] "Per vicarium," *Dial. de Scaccario*, lib. i. c. xv.

[6] Professor Powicke, p. 228, says positively that this was so, citing as his authority "*Rot. Claus. passim.*" So far as I can see, however, these Rolls contain no actual proof that the "R. camerarius" who figures in them together with the treasurer and another chamberlain whose initial is "F." is Ralf de Neville.

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The identification seems to be an inference from Pandulf's injunctions about "paying nothing out."

[1] This is clear from the tone of Pandulf's letters. See especially the letter of 12th May—"Rogamus autem et monemus prudentiam tuam ut *verbum secretum quod tibi diximus* studeas loco et tempore fideliter procurare." *Roy. Lett.*, vol. i. p. 119.

[2] Pandulf issues his orders "*legationis* qua fungimur auctoritate" (*ib.*), because in his case the secular authority of the regent was included in and covered by the legatine authority. He had been made regent just because he was the Pope's Legate.

[3] *Ib.* p. 116.

[4] "Ad factum scaccarii detis operam efficacem, sicut regi et regno cognoscatis expedire," *Foedera* I. i. p. 157, January, 1220.

[5] *Ann. Dunst.* a. 1223, p. 84.

1219 — the vice-chancellor. If the matter was one which involved a conflict between the authority of the regent and that of the Justiciar, it was probably compromised, or at least decided by an amicable agreement; it evidently led to no subsequent friction in the council of three which virtually governed England throughout Pandulf's legation, and in which, while the foremost place belonged by a double right to the Legate-regent, the second belonged by long-established constitutional tradition to the Justiciar.

Hubert de Burgh's reputation as a statesman had yet to be made; but a career of distinction in more ways than one already lay behind him. His origin is absolutely unknown. The surname of which he and his brothers seem to be the earliest bearers mentioned in history represents, no doubt, the birthplace of one of their ancestors, probably their father;[1] but whether that place was Peterborough, or Brough in Westmorland, or one of the many Burghs and Burys in England or of the almost as numerous "Bourgs" in the continental dominions of the Angevin house, there is nothing to shew. In the early years of John's reign Hubert's brother William played some part in the affairs of the Anglo-Norman March in Ireland.[2] Hubert himself
1201-1205 was in 1201 chamberlain to John,[3] and entrusted with the wardenship of the Welsh Marches.[4] At the close of 1202 he was constable of Falaise, and had charge of the captive Arthur of Brittany, whom he saved from John's cruelty chiefly, it seems, out of regard for the interests of John himself.[5] In 1204 he was constable of Chinon; he held it against the forces of Philip Augustus for twelve months, and when at last—long after the rest of the old Angevin lands were lost—its walls were so shattered that further defence became impossible, he sallied forth at the head of his men, fighting desperately, and was only made prisoner when disabled by a severe wound.[6] On his release he returned to his duties as

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[1] There is no authority for the oft-repeated assertion that Hubert's father was brother to William FitzAudelin.

[2] For their relationship see Sweetman, *Calendar of Documents relating to Ireland*, vol. i. No. 2217.

[3] *Pat. Rolls Joh.*, p. 9.

[4] R. Howden, vol. iv. p. 163.

[5] R. Coggeshall, pp. 139-140.

[6] *Ib.* p. 154.

chamberlain; and he was also sheriff of six counties at various times during the next eight or nine years.[1] Early in 1214 John appointed him seneschal of Poitou,[2] whence he returned in the following April with some troops for the King's service;[3] shortly afterwards all the King's subjects from over sea who obeyed his summons to come and help him against the barons were instructed to place themselves under Hubert's orders.[4] In June Hubert became chief Justiciar of England.[5] For the exercise of the Justiciar's ordinary functions he had little scope during the next two years; it was as constable of Dover castle that he rendered his most important services to John and to John's youthful successor. From May, 1216, till August, 1217, he was practically absorbed in one task, the defence of Dover; and although the account of the sea fight on S. Bartholomew's day given by an historian of the next generation,[6] which ascribes the entire credit of that decisive victory to Hubert alone, is very far from being borne out by contemporary and impartial authorities,[7] he undoubtedly shewed himself on that day as brave and capable on board ship as he had so often proved himself on land. Thus he passed from the military to the political stage of his career supported by the well-earned respect and goodwill of all parties in the realm. 1205–1217

The Bishop of Winchester's position at the council-table was peculiar. He had no official title and no specific functions in the civil administration of the kingdom; his connexion with the government was a purely personal one. A donjon of fourteenth century construction overlooking a hamlet built on the slope of a hill with a little stream flowing

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[1] See references in Dugdale, *Baronage*, vol. i. p. 693.

[2] Before 7th April; *Close Rolls*, vol. i. p. 142.

[3] Before 11th April (1215); *ib.* p. 194.

[4] *Pat. Rolls Joh.*, p. 138, 24th May, 1215.

[5] Between 15th June, when he figures in the Great Charter as "senescallus Pictaviae," and 25th June, when he appears for the first time as 'Justiciarius Angliae," *Ib.* p. 144 b. He himself seems to have stated in 1239 "quod dominus Johannes Rex tradidit ei justitiariam apud Runingmede coram domino Stephano Archiepiscopo, comite Warannae, comite de Ferrariis, et aliis magnatibus"; *Responsiones* (M. Paris, *Chron. Maj.*, vol. vi.), p. 65.

[6] M. Paris, *Chron. Maj.*, vol. iii. pp. 28, 29.

[7] See above, pp. 51, 52.

1198–1210 — round its foot, some twelve kilometres south of Poitiers, is in all likelihood the successor of a castle from which Peter des Roches and his family derived their surname. In his youth Peter had been a knight in the service of Richard Cœur-de-Lion;[1] and he must have shown great aptitude for the career of a warrior, since, long after his helmet had been replaced by a mitre, he was regarded as "learned in the military art," and proved himself worthy of his reputation when he acted as "the master counsellor" of the English host on the day of the Fair of Lincoln. When and why he became a clerk there is nothing to shew; but he seems to have done so shortly before or soon after Richard's death. In June, 1198, he was Richard's chamberlain;[2] a year later he was a "beloved clerk" of John's, and treasurer of Poitou.[3] In the favour of Richard's successor he rose rapidly. On 3rd January, 1202, he was made dean of S. Martin's at Angers;[4] but his time was spent mostly in England as a clerk in the royal household;[5] and though he still bore the title of treasurer of Poitou at the beginning of 1205,[6] he must have lost the profits of all his continental dignities and offices when the Angevin lands passed into the hands of Philip of France. For these he was indemnified by grants of various ecclesiastical revenues and offices in England;[7] and before February 5th, 1205, he was elected Bishop of Winchester,[8] the see which ranked next to the two archbishoprics in wealth and importance. He of course owed his election to the influence of the King; a part of the chapter had chosen another candidate, against whom Peter had to plead at Rome for confirmation; his pleading was successful, and he was consecrated by Innocent III on 25th September.[9] Peter was the one bishop who remained in England throughout the years of interdict. In 1210, during the King's absence in Ireland, he joined with the Justiciar Geoffrey FitzPeter and the Earl of Chester in an expedition into Wales which prevented a threatened Welsh invasion.[1] In October, 1213, Geoffrey FitzPeter died; and on 1st February, 1214, John appointed the Bishop of Winchester chief Justiciar of England.[2] The King's choice of a foreigner for this office is said to have caused much grumbling among the barons,[3] the more so as John was on the eve of quitting the realm for a military expedition to Aquitaine, so that during his absence, which lasted eight months, Peter was practically viceroy of England. One chronicler asserts that Peter "by misusing his power turned the wrath of the barons against the King";[4] but there is no proof that the country was any worse administered during those eight months than it had been for several years previously, and nothing to indicate that Peter was guilty of personal tyranny or extortion, or, in short, that he did anything worse than carry on the King's government as he found it. Nor is it by any means clear that he was really disliked or distrusted, except by one section of the baronage—the section whose lofty patriotism and keen sense of nationality were soon to be displayed in their scheme for the annexation of England to France. The substitution of Hubert for Peter as Justiciar at Midsummer, 1215, may have taken place in deference to the King's other advisers; but there is no evidence that such was the case; nothing is known about the circumstances of Hubert's appointment; and it is quite possible that Peter may have resigned the justiciarship of his own accord. 1213–1215

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[1] R. Wend., vol. iii. p. 181; M. Paris, *Chron. Maj.*, vol. iii. p. 309.

[2] *Dict. Nat. Biogr.*, "Peter des Roches."

[3] *Close Rolls*, vol. i. p. 1 b.

[4] *Pat. Rolls Joh.*, p. 22 b.

[5] See Rolls, a. 1201-1205, *passim*.

[6] *Pat. Rolls Joh.*, p. 49.

[7] *Ib.* pp. 40, 43, 46 (a. 1204).

[8] *Close Rolls*, vol. i. p. 18 b.

[9] *Ann. Winton.* a. 1205.

From that time forth Peter never held office as a minister of state. He never had done so, save during those sixteen months of his justiciarship in 1214-1215.[5] He had, however,

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[1] *Ann. Dunst.* a. 1210.

[2] *Pat. Rolls Joh.*, p. 110, 110 b.

[3] R. Coggeshall, p. 168.

[4] *Ann. Wav.* a. 1214.

[5] In the Patent Roll of 15 John (1213-1214), *Pat. Rolls Joh.*, p. 107, it is stated that "vicesimo secundo die Decembris liberatum fuit sigillum apud Windlesoram Radulfo de Nevill, sub domino Wintoniensi episcopo deferendum." From this it has by some writers been inferred that Peter was Chancellor for a short time in 1213-1214. But Walter de Gray, who had been Chancellor ever since 2nd October, 1205 (*Close Rolls*, vol. i. p. 53), appears in that capacity on 10th October, 1213, and again on 12th January, 1214 (*ib.* pp. 156 b, 160), and the title of chancellor is nowhere given to Peter. It seems therefore that Ralf was made keeper of the seal "under the Bishop of Winchester" as a mere temporary arrangement, necess-

1216 received another token of John's confidence; he had been entrusted with the education of John's heir. We have seen that in October, 1216, the Earl Marshal, with the assent of the other loyal barons, bestowed on Peter the important charge of the little King's person, expressly on the ground that he had already been the child's "master" and proved himself "a very good" one, who had "brought him up carefully and well." As Henry was but just nine years old when these words were spoken,[1] we must infer from them that he had been under Peter's care from a very tender age. Probably John had placed him in the bishop's household as early as it was possible to do so, somewhat as Henry II had placed his eldest son, when quite a young child, in the household of Thomas the Chancellor.[2] The Marshal and the magnates did only what was natural and right when they replaced their young sovereign under the charge of his former tutor. The commission which Peter received from them, however, involved more than the boy's education; it expressly included the responsibility for his personal safety. The man to whom was confided a charge so weighty as this obviously needed no official title to vindicate for him a prominent place among the counsellors by whose advice England was to be governed in his royal pupil's name; and the active and versatile Southerner, experienced and efficient alike in matters of war, of administration, of finance, and of well-nigh every kind of public business, secular and ecclesiastical, was a colleague whose help the official governors of the realm would have been foolish indeed to reject or undervalue on the score of his foreign birth. They and he seem to have worked together without perceptible friction throughout the regency of the

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itated by the fact that the Chancellor (Walter de Gray) was going to Flanders on business for the King; *ib.* p. 156 b. See also Powicke, "Chancery," pp. 226, 227.

[1] Henry was born on 1st October, 1207; R. Wend., vol. iii. p. 219.

[2] The notices of little Henry during his father's lifetime are unluckily very few. We know that about August, 1215, he and his mother were sent for safety to the royal castle of Corfe (*Hist. Ducs*, p. 152), and that at the time of his father's death he was in the castle of Devizes, under the care of a valiant man-at-arms, Ralf of Saint-Samson (see above, pp. 2, 3). These temporary removals of the boy from Peter's custody were, however, certainly not due to any withdrawal of John's confidence from Peter, whose name follows that of Gualo in the list of executors of the will made by John on his death-bed.

1219— Marshal. The sharp words which passed between Peter and the regent shortly before the latter's death, and Peter's unseemly behaviour to the younger Marshal and the Legate next day, probably resulted from a misunderstanding on the part of the bishop. He evidently thought that the proposal to appoint a new "guardian of King and Kingdom" and the symbolical delivery of the King into the hands of Pandulf were meant to deprive himself of his precious charge. There was, however, no such intention. Pandulf gave Peter the rebuke which his violence deserved, but immediately replaced Henry under his care.[1]

For the first six months of Pandulf's regency the chronicles are blank, so far as the internal history of England is concerned. Throughout those months, however, one man was openly setting the government at defiance. In December, 1216 1216, the royal castles of Rockingham and Sauvey, with the important Forest jurisdictions attached to them,[2] had been committed by the Earl Marshal to the custody of William de Fors, the titular Count of Aumale[3] (or "Albemarle," as it seems to have been commonly called in England), "that he might dwell in them with his men until his own lands, which the King's enemies had occupied during the war, should be restored to him."[4] The actual custodian of Sauvey, Geoffrey de Serland, was apparently somewhat unwilling to hand the place over to the young count;[5] and as Geoffrey's loyalty is unquestioned, his reluctance was probably caused by some doubts either of William's loyalty, or of his fitness for the charge of such an important post. If so, these doubts were well founded. On 11th February, 1218, William, 1218 having received restitution of his own lands, was bidden to deliver up Rockingham and Sauvey to another custodian.[6]

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[1] "Willelmus Mareschallus, regis rector et regni, diem clausit extremum; post cujus mortem memoratus rex in custodia Petri Wintoniensis episcopi remansit." R. Wend., vol. iv. p. 46.

[2] Turner, pt. II. p. 237.

[3] *Pat. Rolls*, vol. i. pp. 13, 14.

[4] *Ib.* p. 136.

[5] *Ib.* p. 13; see on this Turner, pt. II. p. 236.

[6] *Pat. Rolls*, vol. i. p. 136. The new custodian was Falkes, who had been custodian of Rockingham before Count William. The fact that Sauvey was not re-committed to Geoffrey de Serland implies no slight upon the latter; he had in the interval been well provided for elsewhere.

1218 This order was not obeyed; and a contemporary writer asserts — that the Earl Marshal before his death "greatly repented" of having put these castles into the young count's hands, "because of the complaints which arose out of the ill-doings of the said count and his officers who dwelt there and wrought serious injuries to the people of the district, both rich and poor."[1] For some unexplained reason, however, no further steps seem to have been taken in the matter till six months
1219 after the Marshal's death. Then, on 30th November, 1219, a lengthy indictment against Aumale was issued in the form of letters patent to the barons, knights, and freeholders of the five counties—Lancashire, Lincolnshire, Cumberland, Rutland, Leicestershire, and Yorkshire—in which the bulk of his possessions lay. Count William was not only detaining, against the royal will and command, certain lands and castles of the King's which had been placed in his charge (to wit, Rockingham and Sauvey), but was also fortifying and victualling them in the King's defiance, although a day had actually been set—"to which he paid no heed"—for him to surrender them to the King in person. He was also holding tournaments; more especially he had lately held and attended one at Brackley, contrary to the King's express orders, and regardless of a sentence of excommunication passed upon him by the Legate. He was therefore to be avoided as an excommunicate and a rebel; the persons addressed were warned, on pain of condign punishment, not to assist him in fortifying Sauvey, but to be ready to take action against him in whatever way they should be directed by future letters from the King; and the sheriffs of the five counties were ordered to proclaim him excommunicate.[2] Strangely enough, neither in record nor chronicle do we find any further mention of
1220 William of Aumale till the following April, when an order addressed to him for forty bucks to be sent to the King at Westminster shows that he was again recognized as warden of a royal Forest, which can only have been that of Rockingham or Sauvey;[3] and his next appearance is in the middle of

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[1] W. Cov., vol. ii. p. 245.

[2] *Pat. Rolls*, vol. i. pp. 257, 258; *Close Rolls*, vol. i. pp. 434, 434 b.

[3] *Close Rolls*, vol. i. p. 416 b.

June, when he was one of the sureties for King Henry's fulfilment of a treaty with the King of Scots.[1] He seems to have been absolved on condition of taking the Cross[2] and of surrendering the castles and setting forth on his crusade within a given period. Such an arrangement would serve, for the time being, the purposes of Count and Legate alike. William remained in possession; Pandulf avoided, or at least staved off for a while, the responsibility of taking forcible measures against a man whom the Marshal had apparently deemed it prudent to treat with forbearance. 1220

A like forbearance was exercised towards the Justiciar of Ireland, Geoffrey de Marsh. Shortly before the Marshal's death Geoffrey appears to have announced his intention of going on Crusade; and the Council seized the opportunity 1219 thus afforded them to insist that before he went, he must come to England to perform his homage to the King, and confer with them touching the state of affairs in Ireland. For this purpose they gave him on 23rd April a safe-conduct till All Saints' day; and they arranged that during his absence from Ireland the Archbishop of Dublin, who had been his colleague in the office of Justiciar during the past twelve months, should take sole charge of the March.[3] The Archbishop was himself anxious to go to England for an interview with the King; and as Geoffrey delayed his departure, he at length wrote and asked permission to do so.[4] His request seems to have crossed with some royal letters issued on 22nd September, ordering that his appointment as chief Justiciar should take effect from Candlemas next, and that by that date Geoffrey should be in England without fail;[5] and this order Geoffrey was just preparing to obey when it was followed by a warm assent to the Archbishop's proposed visit, which the King's advisers said "would be most welcome for many reasons." On this Geoffrey was disposed to make the Archbishop's impending departure from Ireland a reason for again deferring his own; the Archbishop, however, besought the King not to let him do so, but to bid

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[1] *Pat. Rolls*, vol. i. p. 235.

[2] *Ib.* p. 240.

[3] *Ib.* p. 191.

[4] *Roy. Lett.*, vol. i. p. 98.

[5] *Close Rolls*, vol. i. p. 400 b.

1220 him "commit the custody of the land, according as the Council may provide, to some other man."[1] The Archbishop was certainly in England in the summer of 1220; but there is no sign of Geoffrey's presence there at Candlemas. Summoned again, this time to meet the King and Council at Nottingham on 1st June, he at last came over, but was unavoidably prevented from being at Nottingham on the appointed day, and begged that a later date might be fixed on which he might "lay before the King and council the affairs of the King's land in Ireland, and"—thus he wrote to his "very dear friend" Hubert de Burgh—"they may be settled by the counsel of yourself and other of the King's faithful men and of our friends."[2]

The settlement took the form of a convention between the King and Geoffrey, drawn up at Oxford on 11th August, in presence of the Legate and the Archbishop of Dublin, as well as Peter des Roches, Hubert de Burgh, and other members of the royal council. The Justiciar is in future to answer at the King's Exchequer in Dublin for escheats, wards, fines, gifts, tallages, reliefs, and aids, from Ireland; and the proceeds of all these, after they have been accounted for at the Exchequer, are to be rendered to the King at his command. Out of the assessed revenue of Ireland, and its "reasonable perquisites" other than those above mentioned, the Justiciar is to maintain the garrisons of the King's land and castles in Ireland; the garrisons to be such as shall be determined by the advice of Archbishop Henry, Thomas FitzAdam, and Richard de Burgh. The surplus of these revenues and perquisites shall be accounted for at the Dublin Exchequer by the view of these three persons; and clerks of the King, appointed for the purpose, shall keep a counter-roll of all these things. The Justiciar shall appoint as constables of the King's castles loyal and fit men who shall swear to keep the castles faithfully and safely for the King, so that in case of the Justiciar's capture, or death, or misconduct, the castles shall be safe; and these constables shall give hostages for their fidelity to the Archbishop of Dublin and the Earl Marshal, and shall also send to the King, through the Archbishop, charters of fealty. The Justiciar gave his two sons as hostages; the Earl Marshal stood pledge for him; and he himself further pledged the whole of his lands, to fall in to the King and the Marshal respectively (he held some of each), in case of his failure to keep faith. He also took an oath to keep all these promises, on pain of being excommunicated by the Archbishop of Dublin in case of breaking them; and as he had left his seal in Ireland for legal purposes there, this writing was at his request sealed with the seals of his brother William and of the Archbishop of Dublin, until he, Geoffrey, could put his own seal to it.[1] 1220

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[1] *Roy. Lett.*, vol. i. p. 99.

[2] *Ib.* pp. 128, 129.

From this document it must be inferred that nothing worse than mismanagement was proved against Geoffrey. His mismanagement however had clearly reached a point at which any sovereign of full age, and in a position to enforce his commands, would have put an end to it by summarily dismissing Geoffrey from his office. But the guardians of Henry III knew that they were not in a position to enforce the dismissal of the Justiciar whom Henry's father had left in charge of the March in Ireland. Geoffrey was not willing to resign because he was not prepared to render an account of his stewardship. If they issued a direct order for his supersession it was highly probable that he would set them and their order at defiance, and that he would be supported in his defiance by the wardens of the royal castles who owed their appointments to him. Henry could not go, as John had gone, with an armed force at his back, to settle matters in Ireland for himself; nor could anyone in England be sent to do so in his stead. Should force be needed to subdue Geoffrey, the task of subduing him could only be committed to some of the barons of the March; and to commit it to any of these would be to plunge the whole March into a civil war which might result in the complete destruction of the King's authority there. The case against Geoffrey was clearly not strong enough to justify Pandulf and his colleagues in taking measures which involved such a risk. The course which they took in giving Geoffrey another chance of redeeming his

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[1] *Pat. Rolls*, vol. i. pp. 263-265.

1220 errors, while hedging him round with the strongest moral restraints that could be devised to prevent a repetition of those errors, was at once more politic and more just.

Pandulf's most congenial sphere of action was diplomacy; and at the outset of his legatine career he was called upon to exercise his diplomatic gifts on a readjustment of the relations 1218 between the Kings of England and Scotland. In 1218 Alexander of Scotland—seemingly with the knowledge and assent of the English government—sent to the Pope a copy of the treaty which has been made between his father and John in 1209, and requested that Honorius would by his apostolic authority either confirm or annull it, as should seem to him best. Honorius committed the decision of the matter *Nov.* to Pandulf,[1] who was then on his way to England. Pandulf, 1219 after studying the text of the document,[2] appointed a day for a formal discussion of the questions at issue between the parties, in his presence, at Norham on 2nd August, 1219.[3] Alexander appeared in person; Henry was represented by a proctor. The discussion ended in an agreement that on the morrow of All Souls' day another meeting should take place before the Legate, wheresoever he might be, "to treat concerning peace between the two Kings; and if peace cannot then be attained, the cause shall be proceeded with according to law." Where this second meeting was held we know not, nor by what means peace was "then attained"; but it certainly was attained: "We are coming back at once" wrote Pandulf, in the triumph of his successful mediation, to Peter des Roches, "for, as Stephen de Segrave" (King Henry's proctor) "and Master Robert of Arènes may have told you by word of mouth, our lord the King's matters with the King of Scotland are by God's grace now happily settled."[4]

What these "matters" were is nowhere stated. Later indications, however, point to a probability that all these obscure proceedings resulted in a ratification of the treaty as a whole, but with a modification of one article. William the Lion had given the wardship and marriage of his two daughters, Margaret and Isabel, to John, with fifteen thousand marks which were, seemingly, intended to form their dowries. The only copy of the treaty of Norham which we possess says nothing more on the subject than this; but from other sources we have reason to infer the existence in the original text of a further stipulation, that the elder girl, Margaret, was to become the wife of John's heir, or if the boy should not live long enough, of the next heir, the baby Richard; and also of a formal surrender, made on the express condition of this marriage, of all the Scot King's claims upon Northumberland, Cumberland, and Westmorland.[1] When this treaty was made, in August 1209, Henry's age was one year and ten months; Richard's was seven months. Margaret of Scotland was fourteen years old at the least.[2] By 1218 Margaret's brother and Henry's guardians must all alike have begun to feel that this clause as it stood was doomed to prove impracticable. Henry's great-grandfather Geoffrey of Anjou had, indeed, at the age of fifteen, married a woman ten years older than himself; and the difference of age between Henry II and Eleanor was probably not much less. But Eleanor was Duchess of Aquitaine, and Geoffrey's bride was heiress of Normandy and England; while Margaret could bring to her husband nothing beyond her share of the fifteen thousand marks. The guardians of the reigning King of England might fairly expect to have no difficulty in finding for him in due time a matrimonial alliance fraught with greater advantages, personal and political, than were offered by a marriage under these circumstances with a sister of his own vassal; and Henry himself, when old enough to 1219

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[1] *Roy. Lett.*, vol. i. pp. 16, 17.

[2] There can be no doubt that this is the "forma pacis" which Pandulf asks Ralf de Neville to send him in May 1219: *ib.* p. 117 (for date see above, p. 113).

[3] *Pat. Rolls*, vol. i. p. 197.

[4] *Foedera*, I. i. p. 157. The letter is dateless, but there can be no doubt about its reference. It cannot refer to the treaty made between the two kings at York in June 1220, because on that occasion Peter, as well as Pandulf, was present in person; *Pat. Rolls*, vol. i. p. 235.

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[1] This was explicitly stated in the charge against Hubert de Burgh in 1239, as reported in his *Responsiones*, M. Paris, *Chron. Maj*, vol. vi. pp. 70-71. A promise that one of William's daughters should be married to one of John's sons is also mentioned by Gervase of Canterbury (vol. i. p. 103) as included in the treaty of Norham. The text of that treaty in *Foedera*, I. i. p. 103, rests on no authority beyond that of Rymer.

[2] Both Margaret and her sister were born before the end of 1195; R. Howden, vol. iii. pp. 299, 308.

1219 decide, was almost certain to repudiate the engagement so lightly made for him by his father. On the other hand, unless some steps were taken in anticipation of this contingency, Scotland might find that she had given England fifteen thousand marks for nothing: the non-fulfilment of this unlucky clause would invalidate the whole treaty, and might lead to a rupture between the two countries, which both parties desired to avoid. After Henry's final coming of age in 1227, we are told, he had to give the King of Scots two hundred pounds worth of land for the quit-claim of the three northern counties, "because the former agreements[1] were not observed"—that is, because Henry had not married Margaret.[2] This compensation for his failure to marry her may have been agreed upon between the two Kings when she was betrothed to Hubert de Burgh in 1220 or 1221. Possibly, however, and even more probably, it may have been settled in Pandulf's presence in November, 1219.

From Scotland the Legate turned to Wales. Throughout the winter of 1219—1220 he was in the west of England, negotiating with Llywelyn for the settlement of a dispute between the Welsh prince and Hugh de Mortimer about certain manors on the Welsh border.[3] On 2nd December Llywelyn was invited, or summoned, to meet the Legate at Worcester to discuss the matter on 7th January, 1220.[4] The King's letter, however, contained a summons to answer complaints as well as to make them; and it may have been for this reason that Llywelyn was unwilling to obey it. At 1220 his request Pandulf postponed the meeting till the octave of Candlemas.[5] It seems to have had a successful result thus far, that Llywelyn was induced to refrain from open hostilities throughout the spring. On Rogation Monday, 4 May, he met the King, the Legate, the Archbishop of Canterbury, the Bishop of Winchester, and the Justiciar, in conference at Shrewsbury,[6] and gave what was understood on the English side as a promise that he would surrender the

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[1] "Primae conventiones."

[2] *Responsiones*, p. 71.

[3] *Roy. Lett.*, vol. i. pp. 59, 60.

[4] *Close Rolls*, vol. i. p. 434.

[5] *Roy. Lett.*, vol. i. pp. 58, 59, 76, 77; *Foedera*, I. i. p. 157.

[6] *Pat. Rolls*, vol. i. pp. 260, 261.

lands in dispute between himself and Hugh de Mortimer.[1] 1220
An attempt was also made to check the perennial strife between the men of the Welsh prince and those of the English Earl in Pembroke, by a truce on the understanding that the Marshal and the other Marcher lords "should be restored to their rights" before 1st August.[2] On the strength of these promises David, Llywelyn's eldest son by Joan, was formally taken under the King's protection, and the subject princes of Wales were bidden in the King's name to be loyal to both Llywelyn and David.[3]

From Shrewsbury King, Legate, and council hastened to London for an important public ceremony. Early in April the Legate and the Primate had received letters from the Pope ordering that Henry "should be a second time raised to the office of king, with due solemnity, according to the custom of the realm; because his first coronation, on account of the disturbed condition of his realm, had been performed less solemnly than was right and fitting, and in another place than that which the usage of the kingdom required." This, of course, meant that the boy was to be re-crowned at Westminster, and by the Archbishop of Canterbury. Stephen was delighted, "for he loved the King dearly on account of his innocency." He and Pandulf agreed that the ceremony should take place on Whit-Sunday, 17th May, and all the prelates and nobles were summoned to be present.[4] On the preceding day the young King himself had another solemn function to perform. Henry came of a family who for two hundred years past had been known as "great builders"; he was a lad of refined, artistic temperament, as well as of a pious disposition; and it seems that he had already undertaken the work which was to be the great architectural glory of his reign, the rebuilding of the abbey church of Westminster. On Whitsun Eve he laid the first stone of the new Lady Chapel.[5] Next morning for the last time a king was

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[1] *Close Rolls*, vol. i. pp. 418, 418 b. Llywelyn's version, as given in a letter from him to Pandulf, *Roy. Lett.*, vol. i. pp. 122, 123, was very different.

[2] *Roy. Lett.*, vol. i. p. 143.

[3] *Foedera*, I. i. p. 159.

[4] W. Cov., vol. ii. p. 244.

[5] "Eodemque anno . . . devotus Deo rex Henricus III fecit inchoari fabricam novae capellae B. Virginis apud Westmonasterium, eodem rege existente

1220 crowned in the old church of S. Edward the Confessor. In Pandulf's presence Henry renewed under the dictation of Archbishop Stephen the oath which he had sworn in Gualo's presence at Gloucester—to protect the Church of God, and to preserve inviolate the peace of both clergy and people and the good laws of the realm ; then the Archbishop placed in his hands the insignia of the regal office, and set upon his head "the crown of the most holy King Edward." "And this crowning of the King was done with such great peacefulness and splendour, that the oldest men among the nobles of England who were present asserted that they never remembered any of his predecessors being crowned amid such concord and tranquillity."[1]

Concord and tranquillity did indeed, to all outward seeming, reign at that moment over all the dominions of the English Crown, except the Duchy of Aquitaine. One of the most difficult of the many difficult problems with which the regency had to deal was the problem of how to retain Poitou and Gascony for Henry. The heritage of his grandmother Eleanor had descended to him almost complete. Philip

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fundatore et patrono, et primum lapidem operis in fundamento in bonum auspicium disponente, videlicet sabbato sancto Pentecostes." M. Paris, *Hist. Angl.* a. 1220, vol. ii. p. 242. Cf. R. Coggeshall, p. 188, and *Ann. Berm.*, a. 1220.

[1] W. Cov., vol. ii. p. 244. There must have been many present who had seen three coronations before Henry's accession—those of Richard in 1189 and 1195, and that of John in 1199. The *Ann. Dunst.*, p. 57, mention a detail which would have a special significance for those who remembered Richard's first crowning: "Judaei vero in Turri Lundoniarum servabantur interim ad cautelam." Roger of Wendover, vol. iv. p. 63, says the crowning was at Canterbury, but he is certainly wrong. Cf. *Hist. Ducs*, p. 208, and R. Coggeshall, p. 187. T. Wykes, a. 1220, says: "Sane quia propter aetatis teneritudinem nondum sufficiens fuerat [rex] ad regni gubernaculum, totius regni proceres providebant sibi tutorem et custodem, virum summi discretionis et probitatis, dominum Hubertum de Burgo, qui motus regis voluntarios refraenaret, ne forte per immoderantiam lasciviret ; factusque est justiciarius totius Angliae, ut sua prudentia, qua caeteris praepollebat, regis et regni negotia dispensaret." And the Bermondsey Annals, a. 1220, say: "Hoc anno Hubertus de Burgo factus est justiciarius totius Angliae," while the Waverley Annals make a like statement under the date 1219. These entries seem to be all derived from a common source, and based upon a mistake. There is superabundant documentary evidence that Hubert had been justiciar uninterruptedly ever since 1215 ; if he had not been reappointed at Henry's accession, there could be no reason and no occasion for him to be reappointed now ; and his own words in 1239, as given in the *Responsiones*, p. 64, distinctly imply that nothing of the kind had ever taken place.

Augustus had never made any attempt to conquer Gascony; he had seized Poitou, but the greater part of it had been regained by John in 1214 and left in his possession by the terms of the truce with which the war between him and Philip had ended. John's seneschal in Gascony at that time was one of his chamberlains, Geoffrey de Neville[1]; another chamberlain—Hubert de Burgh—soon became seneschal of Poitou.[2] At the end of the year 1214 or the beginning of the next Geoffrey de Neville was succeeded by a baron of Saintonge, Reginald de Pons;[3] in June 1215 Hubert de Burgh became Justiciar of England; before that year closed, the seneschalship of Poitou was united with that of Gascony in the hands of Reginald[4]; and thenceforth the two offices were always granted together and became practically one. Reginald resigned it a few months after John's death, and was succeeded by Archbishop William of Bordeaux.[5] A year later William gave it up likewise, and in May 1218 Geoffrey de Neville was again sent across the sea to be Seneschal of Poitou and Gascony.[6] Reginald and William had resigned ostensibly for the same reason—because they wanted to go to the Holy Land. Possibly the layman and the prelate may both of them have been glad of an excuse for ridding themselves of an extremely disagreeable office. The loyalty—such as it was—of Poitou and Gascony to the English Crown was of very recent growth; it had sprung up since the expulsion of the Angevins from their other continental dominions. The one persistent political aim of the men of the South was to escape as much as possible from all external control, no matter whence it came. Their land was full of thriving cities and towns, each with a highly developed administrative organization of its own, almost like so many miniature republics; and of high-spirited, hot-tempered barons who were perpetually quarrelling among themselves. Moreover, towns and barons were mutually jealous of one

1205-1208

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[1] *Close Rolls*, vol. i. pp. 170, 171, August, 1214.

[2] See above, p. 117.

[3] Before 4th Feb. 1215: *Close Rolls*, vol. i. p. 186 b.

[4] Before 8th December, 1215: *ib.* p. 241.

[5] The Archbishop's appointment as seneschal is dated 28th March, 1217. *Pat. Rolls*, vol. i. p. 54.

[6] *Ib.* p. 152, 8th May, 1218.

another; and all were alike jealous of any interference with their respective privileges, corporate or individual, on the part of a higher power. They were also all alike shrewd enough to see that their chances of independence were greater under the rule of a sovereign beyond the sea than under the direct rule of the King of France. But they were also, all alike, fully alive to the advantages of their position between two rival overlords; and the possibility of some turn in Aquitanian politics which might furnish a plea, an excuse, or a temptation for French intervention was a danger never absent from the minds of Henry's counsellors in their dealings with his transmarine dominions.

Besides Poitou and Gascony, the Duchy of Aquitaine included four counties whose rulers owed homage and obedience to the Duke as their suzerain: Angoulême, La Marche, Limoges, and Périgord. Two of these stood, during the early years of the thirteenth century, in relations to each other and to their common overlord which gave them a special importance in the politics of the Duchy. The county of Angoulême was the heritage of Queen Isabel, John's wife and Henry's mother. La Marche belonged to Hugh of Lusignan, to whose eldest son Isabel had been betrothed in her infancy, under whose care she had been brought up, and from whose house her own father had literally stolen her, a
1200 child scarce twelve years old, to marry her to the King of England. Between the houses of Lusignan and of Anjou there was already, even at that date, a smouldering feud of some years' standing, which this outrage, of course, aggravated, but which was allayed for a time in 1214 by John's promise
1214 of little Joan, his eldest daughter by Isabel of Angoulême, as wife to the younger Hugh in her mother's stead. Joan was then four years old. Her bridegroom—known simply as "Hugh of Lusignan," his father being Hugh, Count of La Marche—was a young man in the prime of life,[1] gifted with an ample share of the stirring, ambitious, acquisitive spirit

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[1] He was probably about the same age as Isabel, who was then twenty-six. His parents had been married in 1181; but his mother—who as the only child of the elder brother of Isabel's father had claims on Angoulême—must have been then so young that her son is not likely to have been born till some years later.

which characterized his race. That race was famous alike in legend and in history, and had reached the height of its greatness within the lifetime of the reigning count of La Marche, two of whose brothers had been crowned and anointed Kings.[1] Another brother, Ralf, was in right of his wife count of Eu in Normandy and owner of some lands in England. In 1218 1218 the elder Hugh went to the Crusade; and thus when Geoffrey de Neville took up the government of Poitou and Gascony, the younger Hugh was for practical purposes count of La Marche, and the most important personage in northern Aquitaine. He and Joan were still only betrothed, not married; but she was in his custody, and he was officially treated as "brother" to King Henry; he had claims against the English Crown respecting certain lands which John had promised to him at his betrothal;[2] and when his uncle Ralf of Eu died childless in the spring of 1219, he seems to have 1219 also—no doubt on behalf of his father—laid claim to Ralf's estates, and taken a high-handed method of enforcing his demand, by picking a quarrel with the King's town of Niort. Geoffrey de Neville tried to mediate, and promised to procure him satisfaction for any complaint that he might have against the town, "but," writes Geoffrey to the King, "he answered that he would not cease from infesting your land for us or for anybody else." Geoffrey had now been seneschal for a year, and was confessedly at his wit's end and eager to be rid of an office in which he foresaw nothing but failure and disgrace. "He"—that is, Hugh—"and others can see how poor we are both in men and money." "We greatly fear that unless speedy and effectual counsel be taken for the defence of your land, the said Hugh and the magnates will usurp it, and it will pass to the rule of a stranger. And we do you to wit that unless you take strong measures for its defence, we (Geoffrey) intend to set out for Holy Land on Midsummer day, for we will on no account stay here to your and our own damage and disgrace; because the said Hugh has let us know that he will not cease from molesting you until you

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[1] Of Jerusalem and Cyprus.

[2] *Foedera*, I. i. p. 159; *cf.* John's treaty with the Lusignans, *Charter Rolls*, p. 197 b.

1219 — give up the English lands of the count of Eu. For the love of God, write back quickly what you wish us to do."[1] Apparently the answer to this letter was an order to remain at his post; and he did so, though complaining bitterly of the impossibility of the task laid upon him. "We have already urged you," he writes again, "to take some counsel for the defence of your land of Poitou and Gascony, not so much against the King of France as against your own barons, who ravage your land and capture and put to ransom your townsfolk, and behave themselves towards your men in such fashion that it appears, and we believe, they are not well affected to your service. We, by reason of our poverty, cannot defend the land, nor subdue them; and they make no more account of me than if I were a foot-boy. Wherefore we do you to wit that unless you take other counsel without delay, you will soon see us in England. And do not say that the King's land is lost through us; you are casting it away yourselves for lack of counsel."[2]

At this juncture a new complication arose. Queen Isabel 1218 had in 1218 returned to her own county of Angoulême, received in its capital city the homage of its barons, and taken its government into her own hands.[3] She had some trouble at the outset with Reginald of Pons, the ex-seneschal of Poitou, who seems to have owned some castles in the Angoumois, and for some unexplained reason held them against her, but was soon overcome by her superior forces.[4] A matter of more consequence was her quarrel with Bartholomew of Puy. In the early part of John's reign Bartholomew had been provost, or mayor, of the city of Angoulême;[5] from July, 1214,[6] if not earlier, he was seneschal of the county for John, and after John's death for Henry. Isabel was minded to govern for herself; rightly or wrongly, she asserted that Bartholomew was plotting mischief against her with some of the Poitevin barons, especially Ralf de Lusignan the count of Eu, and also with the King of France; she therefore deprived him of his office 1218 and all his possessions, and made him give her his two sons — as hostages. Bartholomew, apparently, appealed to the English government and the new seneschal of Aquitaine, and fled for shelter to Hugh de Lusignan.[1] Just then Hugh 1219 and the seneschal had suddenly become friends. Geoffrey wanted to go to England, but he was so absolutely penniless that on reaching La Rochelle he found it impossible to proceed any further, or even to leave the city,[2] till a loan of a hundred and sixty marks from some local merchants was negotiated for him by Hugh de Lusignan, who offered himself as surety for its repayment by the English government. This simple but timely stroke of policy made Hugh master of the situation in Aquitaine. The letters in which he and Geoffrey notified the transaction to King and Council were carried to England by Bartholomew of Puy. Geoffrey excused his acceptance of Hugh's help on the plea that "the trouble in your land is so great that ruin would have followed if I had withdrawn"; Hugh modestly remarked that "your land of Poitou was greatly disturbed, but by God's grace we have put it into a better state." Both requested that the money should be given to Bartholomew in the presence of Ralf of Saint-Samson, who accompanied him, and who "knew that these things were true"; and Geoffrey added a warning—"If it be not paid, and if Sir Hugh should be compelled to pay it for me, you will never again find anybody who will make any loan to your order or to you."[3]

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[1] *Roy. Lett.*, vol. i. pp. 30, 31.

[2] *Ib.* pp. 37, 38.

[3] She was proposing to go in July, 1217, *Pat. Rolls*, vol. i. p. 113, *Close Rolls*, vol. i. p. 315, but seems not to have actually gone till next year.

[4] *Hist. Ducs*, p 206.

[5] *Close Rolls*, vol. i. p. 73 b.

[6] *Ib.* p. 168 b.

The Council perceived that the only thing to do with Sir Hugh was to make a friend of him, if possible, by enlisting him as a sort of unofficial colleague to the luckless seneschal. In July Bartholomew of Puy came back, in the character of "the King's messenger."[4] He seems to have brought letters from the King and Council to Isabel, directing her to reinstate him in his property. Almost at the same time negotiations

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[1] *Roy. Lett.*, vol. i. pp. 33, 34.

[2] Such at least was Hugh's story: "non poterat exire de Rupella sine commodatione praedictae pecuniae," *ib.* p. 44.

[3] *Ib.* pp. 43-45.

[4] *Close Rolls*, vol. i. p. 395 b, 16th July.

1219 were set on foot in the King's name for a loan of a thousand marks from the mayor and citizens of La Rochelle, and another thousand from those of Bordeaux, "to be used and expended by the hands of our very dear brother, Hugh of Lusignan, in defence of our land, if it should be needful."[1] The possible danger against which it was thought that defence might be needed was an attack from Louis of France. He had been for some months past in the county of Toulouse, fighting against the Albigensians, and some of Henry's subjects in Aquitaine feared that the French host, when its work at Toulouse was done, might be used against their sovereign and themselves.[2] These suspicions of Louis were, however, without justification. There is not the least indication that Louis ever thought of using, or allowing his followers to use, the opportunity which certainly lay within his reach for intervening at this time in the troubles of Poitou and Gascony. The truce between France and England, however, was now within nine months of its term;[3] and Pandulf was growing very anxious to secure its prolongation. In September a month's safe-conduct was given to some envoys from the King of France to come over and
1220 discuss this matter.[4] In January, 1220, the Legate wrote urgently from the west of England, where he was detained by his negotiations with Llywelyn, to the Bishop of Winchester and the Justiciar, begging them to send some trusty messenger, "secretly, privately, and without delay," to ask Philip for a renewal of the truce; he himself drafted for them a letter such as he deemed advisable for the envoy to convey; and he impressed upon his colleagues the importance of taking the matter in hand at once and insisting upon a decisive answer from the French King.[5] Three envoys were accordingly despatched on 26th January;[6] and on

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[1] *Pat. Rolls*, vol. i. p. 199, 25th July.

[2] See the King's letter to William Maingo, 24th July, 1219, in *Foedera*, I. i. p. 155.

[3] It had been made in September, 1214, to last for five years from Easter, 1215; *ib.* p. 125.

[4] *Pat. Rolls*, vol. i. p. 201.

[5] *Foedera*, I. i. p. 157; *Roy. Lett.*, vol. i. pp. 74, 76.

[6] They were Philip d'Aubigné, the Abbot of Stratford, and Alan Basset. *Close Rolls*, vol. i. p. 410 b.

3rd March the truce was renewed for four years from the ensuing Easter.[1] 1220

Hugh of Lusignan meanwhile had thrown himself at once into his new part, posing as the zealous protector of the interests and loyal executor of the mandates of his little "brother," even in opposition to the Queen-mother, who complained bitterly to Pandulf of the "maintenance" which Hugh and Geoffrey de Neville, acting under instructions from the royal Council, afforded to Bartholomew of Puy against her.[2] In August, 1219, the countess of Eu went to England, to claim her share of her late husband's possessions there. As she was a kinswoman of the Earl of Warren and a niece of the Justiciar, a conflict between her claims and those of her husband's brother bade fair to stir up a good deal of trouble.[3] By the middle of November Bartholomew of Puy seems to have been in England again;[4] and before that time Geoffrey de Neville was there also.[5] Geoffrey appears to have left Poitou and Gascony under the charge of a knight named William Gauler, who presently wrote a pathetic letter to Hubert de Burgh, complaining that he had been left without any revenues save those of the ports, which were only worth fifty pounds, "for all the affairs of the Poitevins and of Bordeaux"; moreover, his friends were telling him that the King had ordered him to be arrested, he knew not why. With strong protestations of loyalty William declared himself ready to settle his accounts, "willingly and truthfully," with any one whom Hubert might send to Gascony as seneschal, "whether it were the chamberlain or some other man." "Gascony," he added, "is in a good condition up to the present; but I greatly fear it will quickly fall back into worse 1219

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[1] *Foedera*, I. i. pp. 158, 159. Cf. *Roy. Lett.*, vol. i. p. 94, *Ann. Dunst.*, a. 1220 (which wrongly make the period five years), and *Hist. Ducs*, pp. 207, 208; the two latter authorities expatiate on Philip's generosity in consenting to prolong the truce without pecuniary consideration.

[2] *Roy. Lett.*, vol. i. pp. 33, 34.

[3] Warren went with her to the King, and a day, 15th September, was given them, at which Warren begged Hubert to attend and do his utmost "tam pro rege quam pro nobis"; *ib.* p. 42. The result does not appear.

[4] *Close Rolls*, vol. i. p. 408, 14th November.

[5] He landed at Dover on 1st November, and proposed to be in London to meet Pandulf on the 4th; *Roy. Lett.*, vol. i. p. 49.

1219-1220 ways unless you send us good counsel and reinforcements."[1]

Meanwhile the towns were protesting their loyalty, and complaining of one another, and also of the intrigues of the French party and the lawless doings of the local barons.[2] About this last grievance they grew more clamorous than ever in the winter of 1219-1220. "The King's burghers" of La Rochelle, Niort, and S. Jean d'Angély lived in perpetual terror of the lord of Parthenay, William Larchevêque, who with the lord of Rancon "and with the consent of others whom we will not at present name," persecuted them "daily and unceasingly." "He seizes your burghers and holds them to ransom; he carries off their beasts of burden," wrote the mayor and commune of Niort. "He has put out the eyes of the bearer of this letter, and those of two other men, without any offence or fault of theirs, and though they were not even on his land when he captured them. And all this evil he does to us, so he declares, because of a hundred marks of silver which the late King promised him, and on account of a certain traitor whom you, Sir Hubert de Burgh, hanged when you were our seneschal." With one voice the towns entreated 1220 (*March*) that an efficient governor might be sent into Poitou; and they gave it clearly to be understood that they did not want Geoffrey de Neville back again. "Our former governors have been somewhat slack in their dealings with your enemies." "When Sir Geoffrey was here, he could not protect us; he was not sufficient for these things, nor for other things either. If he were here now, he would be of no use. Send us some one more useful, more competent to manage this country, and to provide for the welfare of its people and uphold the rights and interests of the Crown."[3]

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[1] *Roy. Lett.*, vol. i. pp. 54, 55.

[2] *Ib.* pp. 45, 46, 49-54, 62, 63, 65.

[3] *Ib.* pp. 94-96. Cf. the letter of Ivo de la Jaille—one of the Angevin barons who still held out for the Angevin house—*ib.* p. 93. Geoffrey de Neville was sent back to Poitou in February, 1220, but only "in nuncium nostrum," *Close Rolls*, vol. i. p. 411 b; he went after 12th February, and seems to have returned to England before 27th April, *ib.* p. 417. The "Seneschal of Poitou and Gascony" to whom letters are addressed on 10th February, 2nd July, and 29th July, 1220 (*Pat. Rolls*, vol. i. pp. 228, 245, 243), was clearly a deputy, most likely William Gauler.

The task of selection devolved upon Hubert de Burgh. 1220 Pandulf, a total stranger to Aquitaine and its affairs, seems to have declined to take any part in the matter beyond promising to ratify Hubert's choice, on whomsoever it might fall.[1] Hubert was the one man then in England who knew by experience what were the most essential qualifications for the vacant post. Before he could find a man to his mind, however, another sudden change occurred in the political situation. In February or March, 1220, tidings came from Damietta that the count of La Marche was dead;[2] and before the middle of May Isabel of Angoulême wrote a startling announcement to her son. "We do you to wit that the counts of La Marche and Eu[3] being both dead, Sir Hugh de Lusignan was left, as it were, alone and without an heir, and his friends would not allow him to marry our daughter on account of her tender age, but counselled him to make such a marriage that he might speedily have an heir; and it was proposed that he should take a wife in France; which if he should do, all your land in Poitou and Gascony, and ours too, would be lost. We therefore, seeing the great danger that might arise if such a marriage should take place, and getting no support from your counsellors, have taken the said Hugh count of La Marche to be our lord and husband."[4]

This letter probably reached England shortly before the coronation; on 22nd May Henry wrote to his step-father, expressing his approval of the marriage.[5] At the same time he desired Hugh to escort Joan to La Rochelle and there deliver her to two persons (Ralph Gernon and Joldewin of Doé)

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[1] On January 17th, 1220, Pandulf urged Hubert "Provideatis etiam de persona quae ire debeat in Pictaviam, quia tempus instat quo debeat quicumque fuerit iter arripere. Nec expectetis super praemissis consilium, cum nos hoc velimus et consulamus omnimodis bona fide." *Roy. Lett.*, vol. i. p. 76. Again, on 27th January: "Si de mittenda persona in Pictaviam tractavistis et eam invenistis, nobis quam citius vestris literis intimetis." *Ib.* p. 79.

[2] See for date Shirley's note, *ib.* pp. 32, 33.

[3] "Comites Marchiae et *Angolismae*" in Shirley's printed text, *ib.* p. 114; but this latter word must be an error for *Augiae.*

[4] See the whole of this very amusing epistle, *ib.* pp. 114, 115. The date is approximately determined by Henry's letter of congratulation to Hugh.

[5] *Foedera*, I. i. p. 160.

1220 — who were charged to take care of her till they received further orders from England.[1] A new use for the little girl's hand had already been devised by the royal Council ; they offered it to the young King of Scots. He was invited to meet Henry at York on 10th June ;[2] and there, on 15th June, the treaty of marriage was arranged. Henry pledged himself to give Joan to Alexander to be his wife, at the ensuing Michaelmas, "if if he could get her" ; if he could not, his second sister, Isabel, should be given to Alexander in her stead, within fifteen days of the time appointed. Henry also promised that he would either cause Alexander's two sisters to be honourably married in England within a year from S. Denys's day (9th October), or restore them to their brother within a month after that term should have expired.[3] All thought of a marriage between Margaret of Scotland and Henry himself had evidently been given up by mutual consent.

Henry's doubts whether he could get his eldest sister back in time for her to be married at Michaelmas proved well founded. Queen Isabel, when she announced her own marriage, had assured him that she was ready to let Joan go home as soon as he liked to send for her. At the same time she had requested that her own dower-lands, and a sum of three thousand five hundred marks which she alleged had been bequeathed to her by John, should be handed over to Hugh ;[4] and it soon became apparent that she and Hugh intended to hold Joan in pledge till this was done. The 1220 English Council, however, were equally determined not to give up the Queen's dowry until that of Joan, and Joan herself, were safely restored. On 20th June letters were written in Henry's name to the Pope, asking him to bid the bishops of Saintes and Limoges compel Hugh to restore Joan and her dowry and right the wrongs which he had done to Henry in other matters ;[1] and also to the cardinals, requesting that they would bring their influence to bear upon the count of La Marche, who, "regardless of his plighted vow, having taken our mother to wife instead of our sister, now refuses to give our sister back to us, wishing by his detention of her to compel us to buy her back."[2]

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[1] *Pat. Rolls*, vol. i. p. 233. Ralf and Joldewin are spoken of as going to Poitou "in nuntium nostrum" on 20th May ; *Close Rolls*, vol. i. p. 418 b.

[2] *Close Rolls*, vol i. p. 436.

[3] *Pat. Rolls*, vol. i. p. 235. The *Ann. Dunst.*, a. 1220, say : "Mense Junio apud Eboracum rex Scotiae affidavit sororem Henrici regis Angliae ; qua de causa idem rex Angliae remisit ei quinque millia marcarum." Probably *remisit* here is a scribe's error for *promisit*, and five thousand marks was the dowry given by Henry to his sister on her marriage. The little damsel Isabel of England was apparently taken to York that Alexander might see her ; *Pat. Rolls*, vol. i. p. 234. The Lord of Galloway, Alan, also came to York at this time, and performed the homage which he owed to Henry ; *Close Rolls*, vol. i. p. 420 b.

[4] Isabel's demand is curiously worded : "Precamur vos diligenter quod ei [*i.e.*, Hugoni] reddatis jus suum, scilicet Niortum, Castrum Exonense, et de Rokingham, et tria millia et quingentas marcas quas pater vester, maritus quondam noster, nobis legavit" (*Roy. Lett.*, vol. i. p. 115). The mention of Rockingham should probably run "et villam de Rokingham." The lands bestowed by John upon Isabel in dower consisted of the city of Saintes, Niort, Saumur, La Flèche,

The union of La Marche and Angoulême, instead of making for the peace and safety of Aquitaine as Isabel had pretended, was in fact no sooner accomplished than it made matters worse than ever. Hugh openly threatened the towns and barons who opposed him with a renewal of hostilities, and so great was their terror that "all the bishops, very many of the barons, and other good men of the King's towns of Bordeaux, Niort, La Rochelle, and S. Jean d'Angély went to him in a body at Angoulême, desiring him that before he made war upon them he should approach the King and the Council with reference to the matters in dispute between him and the King." The joint efforts of the bishops and of the King's envoys, who seem to have arrived in the midst of the colloquy, wrung from Hugh a promise to stay his hand for a while.[3] But his promises were worthless ; and the complaints of the towns continued to pour in upon Henry's guardians. To the town of Niort Hugh had granted a truce of seven weeks ; "but," wrote the mayor and commune, "as we had no security except his

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Beaufort, Baugy, Château-du-Loir, "Trov" (*Charter Rolls*, pp. 74 b, 75), the city and fair of Exeter, the towns of Ilchester, Wilton, Malmesbury, Chichester, Queenhithe, and Waltham, the honour of Berkhamsted, the county of Rutland, and the town of Rockingham, Falaise, Domfront, Bonneville-sur-Toucques, and all the lands which had belonged to the dowry of his mother Queen Eleanor (*ib.* 128).

[1] *Foedera*, I. i. p. 161.

[2] *Pat. Rolls*, vol. i. p. 261.

[3] *Roy. Lett.*, vol. i. p. 149 ; cf. *ib.* p. 133.

1220 word, we put it to Sir William Maingo the younger whether he would keep us safe, so far as he and his men were concerned, and maintain the truce. He wrote back to us that if we would render to him one hundred marks a year, which King John had promised him, he would keep us in safety; otherwise we must guard ourselves against him and his men; and he has already done us some injury. We likewise sent letters to Sir William Larchevêque, that he might certify us whether he would keep the truce or not. And he wrote back that he would not keep the truce, but would do us all the evil and damage that he could; and he is oppressing us so that we dare not get our harvest in; and he sets traps for us daily, and so do many others"—Hugh's own men-at-arms among the number.[1] "When the truce was begun between us and the count of La Marche," they write again, "the count by one of his knights declared us deprived of all rights within his fiefs"; he and his men were guarding all the roads so that neither corn, nor wine, nor wood, nor any necessaries could be got into the city, "and what is your own property he declares to be of his fee." Again "with tears" they implored Henry to send them such a governor as should extricate them and all Poitou from these perils.[2]

The men of Bordeaux on the other hand were urgent that Hugh should be appeased. "He has promised," they wrote, "to maintain and defend the towns, from himself and his, and all other living men, faithfully to the utmost of his power, for your benefit and honour. And since his defence and maintenance is, above that of all others, most useful and necessary to your faithful men of Poitou, and molestation from him is equally perilous and injurious to them, we entreat your royal majesty, by every means we can, to take such counsel that a man of such importance, such a useful defender of your land, and so pious and humble a protector of peace and tranquillity, may not through any other's fault withdraw from your service; for he has promised that so long as he lives he will, unless you give him cause to do otherwise, remain faithfully in your service against all men living. All these things," they add, "have been communicated to us by the good men of La Rochelle."[1] But meanwhile the good men of La Rochelle had learned something of the value of Hugh's fine promises. Threatened by him with "all the harm that he could do" to them, surrounded by enemies who persecuted them for their loyalty, and without any protector save the Bishop of Saintes, they again pleaded—as did also the men of Bordeaux [2]—for the appointment of an efficient seneschal: "Send us quickly a strong man, who will bring back the barons to allegiance, and with their aid rout the enemies and restore the royal authority."[3] A rumour that the King was about to make the viscount of Thouars seneschal of Poitou struck panic into Niort. "God forbid it! for the viscount is our mortal foe, and in your father's time, with the counsel of the King of France, he did us all the evil that he could. As you love your land of Poitou, and us, and your own honour, we beseech you on no account to venture on making him seneschal; moreover, make not anyone from these parts seneschal of Poitou. If you do, they will take your land for their own advantage, as much as they can, as some did in your father's time. And we and the other faithful men shall have to go out of your land, unless you take diligent care and good counsel in this business. May it therefore please your excellency to send some noble, discreet, wise, and powerful man from the parts of England, to be your seneschal—such a man as will know how to deal with your affairs in Poitou, and be able to hold your land."[4] Another rumour—this time in England—as to the Council's intentions with respect to the vacant office drew forth a trenchant protest from Earl William of Salisbury. "I am given to understand," he writes to Pandulf, "that you, together with the King's Council, proposed to send the count of Aumale into Poitou to keep the land. And as it seems to me that the count is less obedient than he should be to the King's commands concerning the things which he holds in England, which are small, I doubt he would be less obedient still if he had the seneschalship and government of Poitou which is a 1220 —

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[1] *Roy. Lett.*, vol. i. p. 134.

[2] *Ib.* p. 140.

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[1] *Roy. Lett.*, vol. i. pp. 132, 133.

[2] *Ib.* p. 127.

[3] *Ib.* pp. 123, 124.

[4] *Ib.* pp. 126, 127.

1220 great thing. And therefore I give notice to your holiness that you will in no wise commit the custody of that land to him by my counsel or assent."[1]

Oddly enough, the man finally chosen by Hubert was Philip of Ulecote, who also had given the government some trouble about the restitution of a castle to its rightful owner.[2] When the choice was at last made, in August, some difficulty arose before it could be carried into effect; the sequel suggests that Philip's state of health may have been the obstacle. "I never felt any confidence," wrote Pandulf to Hubert on 25th August, "that Philip should go there; though you seemed mighty certain about the matter, rambling over seas and mountains in quest of things that are not to be had." In a more serious strain he warned the Justiciar that some decision must be made at once. "You must provide for that country, which plainly appears to be perishing through the fault of the King's Council. The matter has been already shamefully delayed, and I greatly fear lest grave damage should come of it."[3] In the middle of September Philip of Ulecote was formally appointed seneschal of Poitou,[4] and went across the sea.

Pandulf and Peter des Roches, meanwhile, had enlisted the services of the Dean of Poitiers, who visited England in August, to negotiate with Hugh of La Marche for a truce.[5] A carucage "for our great needs, most urgent debts, and the preservation of our land of Poitou" had been agreed upon in a council at Oxford on 9th August.[6] Negotiations with the communes of La Rochelle and Bordeaux for a loan "for the safe keeping of Poitou and Gascony" were begun in September.[7] These two towns, with Niort and S. Jean d'Angély, had now resolved upon sending representatives to England to lay their complaints before the Council; the Preceptor of the Temple, Gerard Brochard, at their request undertook to accompany these envoys, and begged the Council 1220 to give him and them an audience in London in the week after Michaelmas, "to hear the proposals of the count of La Marche, and of others, on all sides." Gerard, it is clear, was in the confidence of all parties, and he declared positively that if the Council would listen to him, the damsel Joan would be restored to them in honour and freedom; "she would have been delivered to me," he said, "if I would have stood surety that the King would do to the count what he ought."[1] Probably Gerard received in London, and thence transmitted to Hugh, a formal assurance that Henry would "do what he ought"—in other words, surrender his mother's dowry. At the same time the Pope took up the matter; and a letter from him, on 20th September, threatening that if Hugh did not within fifteen days after its receipt deliver Joan, together with the city of Saintes and the Isle of Oléron (which had been pledged to him by John as security for her dowry) to Henry's appointed representatives, he should be excommunicated and his lands placed under interdict,[2] was followed by Hugh's submission, so far as the surrender of Joan herself was concerned. In obedience to an order from England issued on 6th October that he should either himself bring Joan to England, or deliver her at La Rochelle to certain persons appointed to receive her there,[3] he set out with the child; but he fell sick at Oléron, where the Dean of Poitiers and the new seneschal of Aquitaine, Philip of Ulecote, had been ordered to meet him. The Dean waited for the seneschal in vain, and at last learned that he was dead.[4] At the beginning of November Hugh, being too ill to proceed, delivered Joan to the commissioners—the Dean and two other envoys—who escorted her to La Rochelle.[5] The term fixed for her marriage was past, but at its expiration, on 13th October, Henry and Alexander had met again at York,[6] and Alexander had evidently consented to wait for her with patience; he waited in fact till the following Midsummer. Her stepfather,

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[1] *Roy. Lett.*, vol. i. p. 129.

[2] See the story in Turner, pt. II. pp. 223, 224.

[3] *Foedera*, I. i. p. 162.

[4] *Pat. Rolls*, vol. i. p. 249.

[5] Cf. Peter's letter to Pandulf, *Foedera*, *l.c.*, and *Close Rolls*, vol. i. p. 430, where we find the Dean sent home at the King's expense "in nuncium nostrum" on 18th September.

[6] *Close Rolls*, vol. i. p. 437.

[7] *Pat. Rolls*, vol. i. pp. 265, 266.

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[1] *Roy. Lett.*, vol. i. p. 149.

[2] *Ib.* pp. 536, 537.

[3] *Pat. Rolls*, vol. i. p. 255.

[4] Philip of Ulecote died before 30th October; *ib.* p. 269.

[5] *Roy. Lett.*, vol. i. pp. 157-159.

[6] *Close Rolls*, vol. i. p. 439.

1220 when he gave her up to Henry's commissioners, assured them of his intention to go and perform his homage for La Marche and Angoulême as soon as his health should permit him.[1] Thus for a few months Aquitaine was—comparatively—at peace.

Meanwhile, however, the "concord and tranquillity" in England had not been altogether unbroken. At first glance the Pope's selection of the spring of 1220 for the re-crowning of the young King appears unaccountable. Since the ceremony had not taken place immediately after the Primate's return, two years ago, it would have seemed more natural to delay it for seventeen months longer, till the boy should have reached the completion of his fourteenth year, the earliest age which could, on any known principle, be reckoned as that of legal majority. A clue to the purpose for which the matter was hurried on may possibly be found in certain steps which were taken immediately after the coronation. On its morrow (18th May) "the barons who were present swore that they would resign their castles and wardenships at the will of the King, and would render at the Exchequer a faithful account of their ferms; and also that if any rebel should resist the King, and should not make satisfaction within forty days after being excommunicated by the Legate, they would make war upon him at the King's bidding, that the rebel might be disinherited without the option of a fine."[2] A week after this, on 26 May, the Pope wrote a letter to Pandulf. He began by expressing his distress at the reports that reached him of his royal ward's extreme poverty; this, he said, was imputed chiefly to the archbishops, bishops, and other prelates in England, some of whom had usurped the King's castles, manors, and other domains, and were detaining the same "on the frivolous pretext that they wish to keep them safe till the King should be of age; and so meanwhile the King must be a beggar,

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[1] *Roy. Lett.*, vol. i. p. 159.

[2] "Barones qui praesentes erant in crastino coronationis juraverunt quod castra et wardias suas ad voluntatem regis resignarent, et de firmis suis fidelem compotum ad scaccarium redderent; et si quis regi rebellis resisteret, et infra quadragintas dies post excommunicationem a legato non satisfecerit, quod ad mandatum regis ei bella moverent, ut exhaeredetur sine fine rebellis." *Ann. Dunst.*, a. 1220, p. 57. See Note VI.

while they run riot, against his will, on what belongs to him." 1220
The Pope therefore ordered that they should surrender all such castles and lands to the King, and make restitution of all the proceeds thence derived since the war, and bade Pandulf enforce their compliance with penalties both spiritual and temporal. In a second letter, written two days later, Honorius instructed the Legate not to suffer any man, howsoever faithful or closely attached he might be to the King, to hold in his custody more than two of the King's castles, on pain of ecclesiastical censure without appeal.[1]

From the days of Henry II, if not from a yet earlier time, the Crown had found it a hard matter to preserve its authority over castles held in private ownership. Such ownership was limited by the King's right in three ways. The owner was bound to allow his castle to be garrisoned by the King's own men at the King's will; to surrender it into the King's hand if required; and not to make any addition to its fortifications without the King's licence. Against the enforcement of these royal rights the owners of castles had struggled, with varying success, under Henry II, Richard, and John. The civil war, and the new conditions under which the powers of the Crown had to be exercised during the minority of John's successor, had intensified their jealousy of all restriction upon their tenure of their fortresses; and a like spirit of independence began to show itself in some of the wardens of the King's own castles, with regard to the fortresses under their charge. The only important case of this kind, until the latter part of the year 1219, was that of Count William of Aumale. But between August, 1219, and March, 1220, trouble began to threaten in connexion with two royal fortresses of not less consequence than Sauvey and Rockingham, and from two men of far greater political and personal weight than William de Fors.

The combined offices of sheriff of Lincolnshire and warden of Lincoln castle were hereditary in the family of Haye, represented at this time by the old Dame Nicolaa, whose capability, courage, and loyalty had never failed in the service of John and his heir throughout the last twenty years. Three

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[1] *Roy. Lett.*, vol. i. p. 121.

**1217** days after the battle of Lincoln the city and county had been
*24 May* committed to the boy-King's uncle, William Longsword Earl of Salisbury, to hold during the King's pleasure.[1] This grant was probably made with the double purpose of rewarding Longsword for his share in the victory, and relieving Nicolaa of a burden which she had, nearly two years before, declared to be too great for her.[2] Five months later, however, when peace was made, the old lady asked to be reinstated in her hereditary functions. Her request was granted, and on 31st October the Earl was bidden to deliver the castle to her and give her seisin of the sheriffdom without delay; but the latter half of this order seems not to have been enforced;[3] and at the beginning of December the county "with all its appurtenances" was again committed to William to hold during the King's pleasure.[4] This time, however, the castle
1218 did not go with the shrievalty; for from March, 1218, onwards we find the former once more, with the full sanction of the Crown, under the charge of its veteran castellan, Nicolaa.[5]
1219 No one seems to have ventured on molesting her till three months after the death of the old Earl Marshal. Then, on 23rd August, 1219, "the sheriff of Lincoln"—no doubt the Earl of Salisbury's deputy—had to be sharply told that he was to "maintain, protect, and defend the lands, goods, and men of our trusty and well-beloved Nicolaa de Haye within his bailiwick, to cause her no molestation, injury or damage,

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[1] *Pat. Rolls*, vol. i. p. 65. The castle is not expressly named; but its inclusion in the grant appears from the sequel.

[2] *Hundred Rolls*, vol. i. p. 309.

[3] On 26th November, 1217, the King bids "the sheriff of Lincolnshire"—no name is mentioned—"cause Nicolaa de Haye to have a reasonable aid from her knights and free tenants in your bailiwick for the payment of debts incurred by her when she was besieged in Lincoln castle." *Close Rolls*, vol. i. p. 344.

[4] *Pat. Rolls*, vol. i. p. 130.

[5] *Close Rolls*, vol. i. pp. 356, 367, 367 b, &c. The exact date at which she recovered the castle does not appear; probably it was not very long before the date of the first of these entries, 17th March, 1218; for on 13th November, 1218, we find an order to the Treasury for payment to Earl William of what he spent "per visum et testimonium legalium hominum in reparacione castri Lincolniae tempore pacis," *ib.* p. 383. If he had delivered the castle to its Dame immediately on receipt of the King's order to do so, at the beginning of November, 1217, he would not have had much time for its repair *tempore pacis*, the peace having been made on 13th September.

nor to meddle in any way with her debts to the Crown, or in any matters concerning her, till he received orders to do so"; and next day "all the knights and good men" of the shire were informed that the King had assigned Falkes de Bréauté (who was sheriff of two shires contiguous to Lincolnshire, those of Northampton and Rutland) to Dame Nicolaa as her assistant in the defence of Lincoln castle, "and that they should all efficaciously counsel and assist Falkes in the King's business which Falkes would explain to them, for the preservation of the peace of the realm."[1] It seems that Falkes, with three of his knights (and no doubt some attendant men-at-arms), at once took up his abode in the castle and made it his headquarters for the next nine months.[2] From a temporary absence in January, 1220, when he went to meet the King at Northampton, he was recalled by an urgent message from Nicolaa; and a letter from Falkes himself to Hubert de Burgh makes it perfectly clear that the danger against which he was required to protect her was a persistent endeavour of the Earl of Salisbury, as sheriff of the county, to enter the castle. "But," wrote Falkes, "God helping me, with the force at the Dame's command I will take good care that he shall not get in."[3] 1219 — 1220 —

William Longsword was a son of Henry II; illegitimate, but always acknowledged and treated as "the King's brother" by both Richard and John, and by Henry as "our beloved uncle." Richard had given him the earldom from which he took his title, together with the hand and the great possessions of Ela, heiress of an earlier line of Earls of Salisbury. He had done good service to John until the middle of 1216; then he had joined Louis, but early in 1217 he had returned to the side of little Henry, and had received back all his forfeited estates, to which in August of the same year were added the counties of Somerset and Devon.[4] His

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[1] *Pat. Rolls*, vol. i. pp. 200, 201.

[2] Order, dated 23rd May, 1220, for payment to Falkes of the wages of three knights "qui sunt in servitio nostro in castro Lincolniae cum eodem Falkesio" from the octave of the Assumption in the King's third year (22nd August, 1219) to the octave of Trinity in his fourth year (31st May, 1220). *Close Rolls*, vol. i. p. 419.

[3] *Roy. Lett.*, vol. i. p. 73.

[4] *Pat. Rolls*, vol. i. pp. 86, 87.

1220 attempt to interfere with the rights of a castellan appointed by the King to the command of a royal castle certainly failed, and was probably abandoned without any open strife, for there is no sign of any breach in the friendly relations between the King and his "beloved Uncle William," to whom the boy seems to have been really attached. But the mere making of such an attempt, by a man of such high rank and so closely connected with the King, was not without grave significance; and it coincided ominously with another incident of graver significance still.

The castle of Marlborough, like that of Lincoln, belonged to the Crown. When it fell into the hands of Louis in 1216 the younger William Marshal, then in arms on Louis's side, claimed it as his by right. The chronicler who records this claim mentions also a claim put forth by William to act as Marshal for Louis in England;[1] possibly he may have claimed the wardenship of Marlborough castle as appertaining to the Marshalcy. The two offices may have been granted together to his grandfather John FitzGilbert, who was certainly Marshal under Henry I, and commandant at Marlborough after that King's death. In 1175–1176 a part of the fine due to the Crown from the heirs of John FitzGilbert for entering upon their patrimony was remitted in reimbursement for repairs done to Marlborough castle.[2] At the coronation of Richard John FitzGilbert's two elder surviving sons, John and William, shared between them the functions of Marshal, but the hereditary character of that office was not explicitly determined till ten years later. During the greater part of those ten years Marlborough was not a royal fortress; Richard had given it to his own brother John. John's accession as King restored it to its old status; but no reference to its wardenship occurs in the charter whereby John granted the Marshalcy to William and his heirs for ever; and the great Earl never was, nor, so far as we can see, claimed to be custodian of Marlborough castle during John's lifetime.[1] He certainly was so, however, from November, 1217, until his death, and his eldest son succeeded him in this wardenship.[2] In March, 1220, Hubert de Burgh informed Pandulf that Marlborough castle was being fortified—evidently without instructions from the Crown. Pandulf bade him despatch without delay "the most stringent letters from the King that could be drawn up," ordering the Marshal to stop the work at once, and strictly forbidding all persons engaged in it, on pain of their bodies, goods, "and even their inheritance," to do anything towards fortifying the castle without a special licence and order from the King.[3] No further letters on the subject appear to be extant; the information which Hubert had forwarded to Pandulf may have proved to be incorrect, or the Marshal may have given some satisfactory explanation. There is, however, an indication elsewhere that he took upon himself to exercise over the tenants of the castle of Marlborough more arbitrary authority than he was entitled to assume as custodian of that fortress for the King.[4] Moreover, there was another matter about which trouble with him must have been felt to be impending. 1217 — 1220

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[1] *Hist. Ducs*, pp. 175, 176.

[2] "Johannes Marescallus reddit compotum de £128 7*s*. pro fine suo et fine fratris sui Gilleberti de terra patris eorum. In operatione castri de Merleberga £26 13*s*. 4*d*. per breve Regis et per visum Yvonis de Neville. Et debet £100 33*s*. 8*d*." *Pipe Roll* 22 *Hen. II* (1175-1176), p. 172.

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[1] The warden of Marlborough castle throughout John's reign was Hugh de Neville; see *Pat. Rolls Joh.* and *Close Rolls*, vol. i., *passim*, the latter from p. 16 b (1205) onwards. John "de Turri" appears as its constable on the morrow of Magna Charta (*Close Rolls*, vol. i. p. 214 b), no doubt as deputy for Hugh, who was at Runnimede with the king. It was Hugh who surrendered the place to Louis in 1216; *Hist. Ducs*, pp. 175, 176.

[2] In a writ of *Computate* in favour of the sheriff of Wiltshire, 13th November, 1222, occurs this item: "Computate et eidem in firma manerii de Merleberge c. et lx. libras blanchas, videlicet xxxii libras annuas de praedictis v. annis praeteritis, quas comes W. Marescallus senior et comes W. Marescallus junior et Johannes de Ferentino receperunt de eodem manerio per eosdem annos ad custodiendum castrum de Merleberge"; and the "past five years" are in an earlier part of the writ defined as "de anno regni nostri secundo, tertio, quarto, quinto, et sexto," *i.e.* from 29th October, 1217, to 28th October, 1222. *Close Rolls*, vol. i. p. 521.

[3] *Roy. Lett.*, vol. i. pp. 100, 101; date, 3rd April [1220].

[4] On 24th July, 1221, "the King's constable of Marlborough" is bidden to give the heirs of Robert of Barfleur seisin of the mill at Marlborough called Port Mill, "de quo W. Marescallus comes Penbrochiae cum habuisset seisinam castri de Merleberge eosdem heredes *pro voluntate sua* disseisivit." *Close Rolls*, vol. i. p. 466.

1217 — Immediately after the younger Marshal's return to allegiance, in March, 1217, there had been granted to him, to hold during the King's pleasure, the English lands of Earl David of Huntingdon.[1] The most important part of these lands was the honour of Huntingdon, which the Scot Kings had inherited from the English wife of King David of Scotland, which William the Lion had subenfeoffed to his brother David, and which, with the estates held by David direct of the English Crown, had now become forfeit to its English overlord because David and the reigning King of Scots—his nephew Alexander—had espoused the cause of Louis. A few months later they both submitted to Henry; Alexander, having performed his homage in December, was granted seisin of "the lands held of him in England by Earl David";[2] and in the following March orders were issued for complete restitution to David himself of all his English possessions.[3] He seems to have regained
1219 them all except one castle: Fotheringay. In June, 1219, he died, leaving an heir under age. His fief being an English one, the right to its custody fell not to its immediate overlord the King of Scots, but to its lord paramount the King of England; in Henry's name it was committed, during his pleasure, to the charge of three knights, and an order was issued that they should receive full seisin of "the manor of Fotheringay" from the constable of the castle[4]—that is, the younger Marshal (now Earl William the second of Pembroke and Striguil), or his lieutenant there. In October the custody of the honour was transferred to the King of Scots.[5]
1220 But twelve months later Fotheringay castle was still in the hands of the Earl Marshal; not because either Henry or Alexander had authorized him to retain it, but because he was, for some reason or other, unwilling to give it up, and to make him do so against his will was, as things then stood, practically impossible. He was the eldest son of the late regent. He was the most intimate friend of the

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[1] *Close Rolls*, vol. i. pp. 299 b, 305 b; *Pat. Rolls*, vol. i. p. 55.

[2] *Close Rolls*, vol. i. p. 348. Cf. above, p. 87.

[3] *Close Rolls*, vol. i. p. 354 b, 13th March, 1218.

[4] *Ib.* p. 397, 22nd July, 1219.

[5] *Ib.* p. 406 b, 29th October, 1219.

Earl of Salisbury. On him, as Earl of Striguil, the security of the Welsh March chiefly depended; as heir of his mother, Isabel of Leinster, he was the mightiest baron of the English March in Ireland; and as heir to the lands which had belonged to his parents in Normandy, he could at any moment put himself in touch with Philip of France. In private life he seems to have been a man of high character; and since his return to allegiance, with his friend Salisbury, in 1217, he had, like Salisbury, acted as a valiant, useful, and faithful adherent of the King. If the Council had shrunk from taking extreme measures against Aumale, much less could they proceed to extremities with Salisbury and the Marshal. Yet the example set by these two men was certain to lead to further mischief unless some steps were taken to prevent it. **1220** —

The Earl Marshal was certainly, the Earl of Salisbury and the count of Aumale were almost certainly, included among the nobles who were present at the coronation and who next day took the oath which has been mentioned already.[1] The coronation, the oath, the Pope's letters, taken all together, suggest that in the spring of 1220 the Council had invoked the Pope's assistance to enhance the authority of the Crown for the special purpose of strengthening the hands of its guardians in an effort to deal with the whole question of the English castles. It is, however, very difficult to guess what, or who, can have prompted the instructions issued to the Legate by the Pope on 26th and 28th May. The information on which the letter of 26th May purports to be written is shown by the records to be erroneous. No castle belonging to the King was in the custody of either of the archbishops; only three were in the custody of any other prelate. Those three were Porchester, Winchester, and Southampton, held by Peter des Roches together with the sheriffdom of the county in which they stood. There is also no indication that either Peter or any other prelate had ever attempted, or even been (in England) accused or suspected of attempting, to usurp castles or lands belonging to the Crown, or made difficulties

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[1] That the Marshal had taken this oath is stated in the King's letter of 11th September, *Close Rolls*, vol. i. p. 429 b.

1220 — about restoring any such lands which may have been temporarily entrusted to him for safe keeping during the war. The second letter is equally unaccountable; for while the enforcement of the order that no man should hold more than two royal castles at once would have deprived Peter of one such wardenship, it would have deprived Hubert de Burgh of four;[1] and it would have further involved a wholesale rearrangement not only of the wardenships, but also of the sheriffdoms, throughout south-eastern England and also in the Midlands, where a still greater number of royal castles were in the hands of Falkes de Bréauté as sheriff of seven shires. It is therefore not surprising that no use was made of these two papal mandates. As no mention of them occurs in the chronicles of the time, it is most probable that they were never published; Honorius may have sent with them private instructions authorizing Pandulf to publish or suppress them at his own discretion. By the time they reached England the King's guardians were feeling their way in more wary fashion towards the end which they had in view.

The King's journey to meet Alexander of Scotland furnished an opportunity for a royal progress through some of the castles which lay between London and York. "The King with his tutors," says the Barnwell annalist, "perambulated his realm, to know whether those whom his father had made custodians of fortresses in England were minded to give up those fortresses quietly to himself as their lord."[2] From York he went by way of Pontefract to Nottingham, thence to Leicester, and thence to Northampton. When he reached Rockingham, however, on 25th or 26th June,[3] the castle gates were shut against him.[4] William of Aumale had only ten days before been chosen as one of the King's sureties for the treaty with Scotland.[5] He had clearly left the court since then; but he was not in Rockingham castle, though he was evidently known to be not far away, for two messengers who were immediately despatched to him with another royal command for the surrender of Rockingham and Sauvey were ordered to be back at the hour of prime next morning.[1] They seem to have returned with a request from Aumale for a safe-conduct to the court. Meanwhile a military force under Falkes, which had accompanied or followed the King from Northampton to Rockingham, invested the castle,[2] with the ready assistance of the people of the shire, who seem to have found Aumale a very overbearing and troublesome neighbour. On Sunday, 28th, the garrison "seeing that they were in a strait and had not power to resist, ignominiously went out and left free entrance to the King."[3] A safe-conduct until prime on that Sunday morning had been issued to Aumale the day before;[4] he had used it, and had made formal surrender of both Rockingham and Sauvey into the King's hand.[5] Next day a notice was issued in the King's name, stating that Count William had resigned the custody of these two castles "of his own free will." The King, on his side, quit-claimed to the count the ferm received by him from the manors and other royal demesnes, and the issues of the Forests, attached to the castles, from the time when the castles were given him in custody to the day on which he resigned them, and also undertook to obtain from the Legate

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[1] Hubert held the castles of Dover, Canterbury, Rochester, Norwich, Orford, and the Tower of London (see Turner, pt. II. pp. 242, 243); the first two as sheriff of Kent, the next two as sheriff of Norfolk and Suffolk, and the last as Justiciar.

[2] W. Cov., vol. ii. p. 244.

[3] Pontefract, 19th June; Nottingham, 21st June; Leicester, 23rd June; Northampton, 23rd June; Rockingham, 26th June. *Pat. Rolls*, vol. i. p. 238.

[4] W. Cov., *l.c.*

[5] See above, p. 123.

1220

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[1] *Pat. Rolls*, vol. i. p. 238.

[2] "Computate Falkesio de Bréauté £100 quas posuit in expensis nostris in obsidione castri de Rockingham," 5th November, 1220, *Close Rolls*, vol. i. p. 439 b.

[3] W. Cov., vol. ii. pp. 244, 245.

[4] *Pat. Rolls*, vol. i. p. 239.

[5] The Barnwell annalist's account of this affair (W. Cov., *l.c.*) suggests a possibility that Aumale's deputy constable at Rockingham may have been more forward than Aumale himself to resist the King, and in fact gone beyond the count's orders in shutting the gates. Mr. Turner thinks the statement of Roger of Wendover (vol. iv. p. 65) that the two castles were found "penitus omnia victualium genere destituta, ita quidem quod nec etiam tres panes invenirentur in eis," "suggests that the count had been misrepresented by the letters patent of November, 1219, which recited that he was fortifying the castles and storing them with corn" (Turner, pt. II. p. 242). I cannot follow this argument; to me a statement as to the contents of a place in June, 1220, conveys no suggestion whatever as to the contents of that place in November, 1219.

1220 permission for the count to postpone the fulfilment of "his vow."[1]

The letters patent setting forth this agreement were issued on the joint motion of the Justiciar and the Bishop of Winchester; Pandulf was evidently absent from the court. There can be no doubt that Aumale's vow here referred to was a vow of Crusade, enjoined by Pandulf as the condition of the count's release from excommunication at the close of the preceding year; and we may see in it a reason for the extreme generosity with which the count was treated. A government whose head was a papal Legate might make a military demonstration, but could hardly use real force against a man who wore the Cross. There is, moreover, some probability that the Council, or some member of it, may have entertained a project of letting Count William commute his vow for an undertaking which might well be deemed a penance quite as severe as a crusade—the seneschalship of Poitou and Gascony. A report to that effect certainly reached the Earl of Salisbury at some date between December, 1219, and the end of June, 1220.[2] The report may have been false; but it is quite possible that the project may have really existed, and by no means clear that it deserved the scorn heaped upon it by the King's uncle. The appointment of William de Fors as governor of Aquitaine would be an excellent expedient for getting him peaceably out of England; and though troublesome there, he was not without qualifications for the vacant post over sea. As the son of a Poitevin father he would be quicker to understand the character of the people, and perhaps more acceptable to some of them, than a man of pure English blood; at the same time, his stake in the country was too small[3] to involve him in personal rivalry with the Aquitanian barons; while as a great English noble he would be readily welcomed by the towns.

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[1] *Pat. Rolls*, vol. i. p. 240, 29th June, 1220.

[2] See above, p. 143. The date must be before 29th June, as the Earl speaks of the Count's lack of obedience to the King "de his quae modo custodit in Anglia."

[3] He may even have had no stake there at all. For all we know, his father may not have possessed a rood of land at Fors or anywhere else. Fors itself is a mere village.

In the weeks between the coronation and the treaty with Scotland the thoughts of Hubert de Burgh, "roaming over seas and mountains" in search of a governor for Aquitaine and at the same time haunted by the problem of the English castles, may well have turned—or may have been turned by Pandulf or Peter—to a possibility of ending the weary search and winning the resignation of Aumale's English wardenships at one stroke; and the agreement with Aumale on S. Peter's day may have been made on the basis of some previous negotiations whose completion the march on Rockingham was intended merely to precipitate. In the face of Longsword's protest, however, the project of sending Aumale to Poitou, if ever seriously entertained, must have been abandoned; and we may see in its abandonment the reason why Aumale did not receive the licence which he desired for a further postponement of his crusade. Pandulf seems to have offered him instead the option of redeeming his vow altogether, doubtless in the usual way, by a payment of money; but Aumale neither paid nor went.[1] 1220

The 29th of the ensuing December would be the fiftieth anniversary of the martyrdom of S. Thomas of Canterbury. For nearly two years Archbishop Stephen had been preparing to celebrate this jubilee by a translation of the martyr's relics from their lowly resting-place in the crypt of his cathedral church to a chapel behind the high altar, where a magnificent shrine had been made ready to contain them. The actual anniversary was anticipated by nearly six months, and the translation took place on 7th July, amid an immense concourse of clergy and laity not only from all parts of England, but from lands beyond the sea. A temporary guest-house, on such a scale that an annalist of the time calls it a "palace" and declares that he does "not believe its like had been seen since the days of Solomon," was erected by the Archbishop for his guests, and therein rich and poor, home-born and strangers, were entertained with a sumptuous hospitality which the same writer likens to the banquets of Ahasuerus.[2] "The barons of England," also, "did an act of

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[1] *Ann. Dunst.*, a. 1220, p. 64.

[2] *Ib.* p. 58; cf. W. Cov., vol. ii. p. 246, and *Ann. Wav.*, a. 1220.

1220 — great courtesy; for they caused proclamation to be made, a great while before the holy body was to be removed, that no Englishman should lodge in the town, because they wished that those who came from other countries should find lodging there"; they themselves took up their quarters—camping out in the fields, it seems—outside the walls, all except the Earl Marshal, who lodged in the city that he might take care of the strangers and see that they came to no harm.[1] Over twenty prelates attended, including, besides the Legate, an Archbishop from Hungary, and the Archbishop of Reims with three of his suffragans.[2] With graceful tact Pandulf and Stephen concurred in giving to the French Primate the foremost place in the religious services of the occasion; it was he who, at their joint request, on the eve of the translation dedicated the altar before the shrine and sang the first vespers of the festival, and who also sang the high Mass on the great day itself.[3] Among the lay visitors from over sea were the widow of Cœur-de-Lion, the Count of Dreux, and many French nobles.[4] King Henry was of course present;[5] and all England shared in the glory of the most famous of English saints.

Early in August a great council was held at Oxford, mainly, it seems, for purposes of finance. A carucage of two shillings for every plough "as it was yoked on the morrow of S. John the Baptist last year, the fourth of our reign," was granted to the King by the lay magnates "for his great needs, and for the preservation of his land of Poitou." The collection of this impost was entrusted in every shire to the sheriff and two lawful men who were to be chosen "by the will and counsel of the whole shire, in full shire-court"; and it was to be paid into the Temple in London by 30th September.[6] The prelates made a similar grant on behalf of themselves and all the clergy, secular and regular, and their tenants; these contributions were to be paid direct to the Crown without the intervention of the sheriffs or other lay agents. On this point some confusion arose, and amended instructions were sent to the sheriffs on 7th September.[1] Another difficulty thwarted the endeavours of the sheriff of Yorkshire—Geoffrey de Neville—to collect the "gift" in his shire; at the shire-court held for that purpose on 14th September none of the magnates appeared, and their bailiffs all alike declared that "their lords knew nothing about the matter, the magnates of those parts having never been asked for it by the King either by word of mouth or by his letters." Some of them suggested that if the King himself spoke to the magnates when he came to York (to meet the King of Scots on 13th October), the payments would probably be made without further trouble. Geoffrey reported the matter to the King's Council, and asked whether he should take forcible measures to compel payment.[2] There is some reason to think that he did so, or tried to do so, and that some of the Yorkshire barons retaliated at the beginning of the next year by capturing him and keeping him prisoner for a time.[3] Unluckily we have no record showing 1220

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[1] *Hist. Ducs*, p. 209.

[2] Cf. W. Cov., vol. ii. p. 245, *Ann. Dunst.*, p. 58, and *Hist. Ducs*, pp. 208, 209. The last reckons twenty-five bishops; the first, seventeen bishops and three archbishops, among whom, however, he does not name Reims.

[3] *Hist. Ducs*, p. 209; *Ann. Dunst.*, *l.c.*

[4] *Hist. Ducs*, p. 208.

[5] "Praesente . . . rege Anglorum Henrico quarto," says the Barnwell annalist (W. Cov., *l.c.*), using the reckoning which counted the "young King," Henry II's son, as Henry III.

[6] *Close Rolls*, vol. i. p. 437.

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[1] Cf. *Close Rolls*, vol. i. p. 437 b, and *Ann. Dunst.*, a. 1220.

[2] *Roy. Lett.*, vol. i. p. 151.

[3] I venture to suggest that this may be the explanation of a letter from Pandulf to Hubert de Burgh, *Roy. Lett.*, vol. i. p. 130: "Quod actum est de vicecomite Eboracensi, in Dei et domini regis ac nostrum pariter acceptatum esse noscitur praejudicium et contemptum, non enim per nostram vel vestram ammonitionem adhuc potuit liberari. Ideoque discretionem vestram monemus attentius et hortamur quatenus ipsum secundum justitiam et legem terrae faciatis quantocius liberari, cum teneamini hoc circa quemlibet observari facientes" (?) "ita quod honor domini regis conservetur illaesus, et vos inde possitis merito commendari." In the printed edition this letter purports to be "datum apud Lincolniam, nonas Junii"; Dr. Shirley took this to be 5th June, 1220, and tentatively suggested as "not impossible" that the outrage to which it alludes may have been an act of vengeance perpetrated by William of Aumale, Geoffrey's most powerful neighbour in Yorkshire, on the erroneous suspicion that it was Geoffrey's influence which had "disappointed" him of Geoffrey's former office of seneschal of Poitou. But (1) I greatly doubt whether Aumale, or anybody else, would be "disappointed" at not being made seneschal of Poitou. That office was neither a pleasant nor a lucrative one, but one which most of its various holders, for many years past, seem to have accepted with reluctance and escaped from as soon as possible. (2) The fact that in none of the various accounts of Aumale's mis-

1220 how the dispute was settled; but it is clear that from Yorkshire, at least, the carucage cannot have been paid in by the morrow of Michaelmas. The same day was fixed for the returns of an inquest which the sheriffs were, at the time when the first letters about the carucage were issued (9th August), ordered to make into the extent and value of the royal demesnes and escheats in the several shires.[1] No doubt these returns were required for fiscal purposes. The agreement between the King and Geoffrey de Marsh, made in the same council at Oxford,[2] was followed on 18th September by a demand for an aid from Ireland.[3] With all this the Crown was still deep in debt, to the Pope, to Louis, to Queen Berengaria, to the Legate;[4] it was in fact only by means of frequent loans from Pandulf that its current expenses could be met at all.[5]

Two other matters came up for settlement at the Michaelmas session of the barons of the Exchequer and the justices at Westminster. One of these was a complaint of the Earl Marshal against the Prince of Wales. Llywelyn's promise, or alleged promise, that the wrongs done by him to the Earl and the other Marcher-lords should be righted by Lammas Day[6] was not fulfilled; indeed, the truce made in May on the strength of that promise seems to have been

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doings—in the chronicles, or in the royal letters patent—is there any mention of the capture of the sheriff of Yorkshire, makes it appear very improbable that he was concerned in the matter. Had he been so, or even suspected of being so, his enemies would surely have made the most of such a charge to add to the indictment which, as we shall see, was brought against him later in the summer. (3) Dr. Shirley cites as a reference showing this letter to have been written in 1220 "*inter alia*, Rot. Claus. i. p. 419 b"; but I can see there nothing which bears on the subject. It seems to me possible that the word printed *Junii* may have been originally a contracted form of *Januarii*; that the true date of the letter may be 5th January, 1221; and that its true connexion may be not with Aumale but with the dispute about the carucage. I can find in the Rolls nothing to prove or to indicate whether Geoffrey de Neville was or was not at liberty either *c.* 5th June, 1220, or *c.* 5th January, 1221. On 22nd January he was sent with a message from the King to the count of Aumale; *Close Rolls*, vol. i. p. 446.

[1] *Close Rolls*, vol. i. p. 437.

[2] See above, p. 124.

[3] *Pat. Rolls*, vol. i. pp. 253, 254.

[4] *Ib.* p. 253.

[5] See the details of the debts to Pandulf, Feb. 18th, 1221, *ib.* p. 284.

[6] See above, p. 129.

broken as soon as Llywelyn returned from Shrewsbury to his own country. He asserted that the men of Pembroke refused to confirm the truce, called in help from Ireland against him, and harassed the Welsh to such a degree that at last he was obliged to bid his nephews and his other followers withdraw from the borders of Pembrokeshire to a safer place.[1] The Marshal, on the other hand, declared that the Welsh Prince "in no wise kept the terms of the peace, but brought the King's dignity into contempt, spurning his own promises and acting quite contrary to them." The Marshal complained to the King at Oxford, and was promised satisfaction—so far as the King could give it—in London on the morrow of S. Michael.[2] On 21st August the sheriffs of Gloucester, Hereford, and Worcestershire were ordered to be in readiness to help, with all the forces of those three shires, whichever of the King's liegemen they should find to be the object of an attack for which Llywelyn was reported to be collecting his forces.[3] It was, however, not against any place on the border, but against "the Flemings of Rhos and Pembroke" that Llywelyn, with "most of the princes of Wales" and "a vast army," marched on 29th August. He took by assault and burned the castles of Arberth and Gwys, burned the town of Haverford "to the castle-gate"; "and thus he went round Rhos and Deugleddyv in five days, making vast slaughter of the people of the country. And after making a truce with the Flemings until the kalends of May, he returned back happy and joyful."[4] The terms of this truce were humiliating in the extreme; the men of Pembroke promised that they would give Llywelyn a hundred pounds, that they would not restore the castles which he had destroyed, and that they would give him a portion of the Earl's land "to keep as on behalf of the King." All these conditions, however, were to be subject to confirmation by the King. They seem to have been in fact extorted by means of a false representation on Llywelyn's part that his invasion of the Earl's lands was sanctioned and supported by the authority of the English Crown.[5] For the honour 1220 —

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[1] *Roy. Lett.*, vol. i. pp. 141, 142.

[2] *Ib.* p. 143.

[3] *Close Rolls*, vol. i. p. 428.

[4] *Brut*, p. 307.

[5] *Roy. Lett.*, vol. i. pp. 144, 145. Cf. *Ann. Dunst.*, p. 61.

1220 of that authority itself, no less than for his own sake, the Marshal besought the King and his Council to quash the truce, disavow all complicity in Llywelyn's raid, and give judgement in favour of himself, at the time previously appointed, on his former complaint against the Welsh prince.[1] The judgement was probably given accordingly; on 5th October the Welsh invasion of Pembroke was disavowed by the King, the truce quashed,[2] compensation claimed from Llywelyn for the Marshal and the other Marcher-barons whom he had injured,[3] and two commissioners despatched to receive from him a surrender of all lands occupied by the Welsh in England and the Marches.[4]

In all probability, it was as a kind of security for the settlement of this Welsh business that the Earl Marshal had persisted throughout the summer in retaining Fotheringay castle. An urgent order for its surrender was despatched 18 *June* three days after the treaty of York was signed;[5] the restitution of this castle, and of Earl David's other lands, being one of the conditions of the treaty. On 11th September the Marshal was by another royal letter reminded of this fact, and commanded, on his fealty and his oath to the King, to hand over the said castle and lands to Alexander without further excuse or delay, "knowing for certain that unless you give it up, all our business about the marriage will come to nought."[6] Hereupon the Marshal wrote to the Justiciar that he would do his best to promote the advantage of the King and his sister, and would on the morrow of Michaelmas answer fully to the Council concerning Fotheringay, and be ready to obey them "in all things that he could and ought"; at the same time declaring his intention to abstain for the present from vengeance on Llywelyn, rather than disobey the King and the Legate, "unless indeed," he added significantly, "it should —which I do not believe—afterwards appear that they will not grant me justice."[7] The Welsh quarrel being decided in his favour, he seems to have consented to give up Fotheringay not 1220 indeed to King Alexander, but to King Henry; for it was to a representative of the latter that he was bidden to deliver it on 11th October.[1] This was two days before the Kings met again at York.[2] It was probably agreed there that Fotheringay should, to facilitate its recovery from the Marshal, be temporarily placed in Henry's hand and entrusted to the English Justiciar.[3] Hubert's marriage with Alexander's sister Margaret may have been already arranged, and Alexander may have contemplated giving him the custody of the honour of Huntingdom during the minority of its heir.[4] It seems, however, that not till 23rd or 24th November did the Marshal actually deliver up the castle, to one Gregory de la Tour, who was appointed to have the charge of it,[5] probably as deputy for Hubert. The troubles of the English government in connexion with it were not ended even then.

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[1] *Roy. Lett.*, vol. i. pp. 144, 145.

[2] *Pat. Rolls*, vol. pp. 254, 255.

[3] *Foedera* I. i. p. 164.

[4] *Close Rolls*, vol. i. p. 431 b. Of course it by no means follows that these commissioners got what they went for.

[5] *Pat. Rolls*, vol. i. p. 236.

[6] *Close Rolls*, vol. i. p. 429 b.

[7] *Roy. Lett.*, vol. i. p. 150.

The count of Aumale had surrendered his wardenships; but he still kept possession of one castle which by a legal decision of the King's Court, given four years before, belonged to another man. This was Bytham, in Lincolnshire. Originally a part of the honour of Holderness, it had been alienated by the first husband of Aumale's mother, and was thus at the time of the war the property of one William de Coleville. This man joined the rebels, and thereupon his lands were occupied by the count of Aumale, to whom they were no doubt granted by John. On Coleville's return to allegiance in 1217 orders 1217 were issued for their restoration; but two successive letters from the King to the count failed to procure this,[6] and in November Aumale was summoned to answer before the King's Court at Westminster for his retention of Bytham.[7] The Court adjudged the castle to Coleville;[8] but somehow Aumale retained possession of it, seemingly without further question, possibly therefore by private agreement with the

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[1] *Pat. Rolls*, vol. i. p. 257.

[2] See above, p. 145.

[3] We shall find it in his custody in January, 1221.

[4] He eventually gave it, not later than 12th March, 1221, to the boy's maternal uncle, Ranulf of Chester. *Pat. Rolls*, vol. i. p. 285.

[5] Cf. *ib.* p. 272, and *Close Rolls*, vol. i. p. 442.

[6] Turner, pt. II. pp. 247, 248.

[7] *Pat. Rolls*, vol. i. p. 119.

[8] *Ann. Dunst.*, p. 64.

1220 — rival owner.[1] In the night of 26th December, 1220, Aumale slipped away without leave from the Christmas gathering of the court at Oxford, and rode to Bytham.[2] There he collected in a few days a force of armed men, and began to harry the neighbouring townships, carrying off the corn to store it in Bytham castle, and capturing men whom he imprisoned there and tortured till they purchased their release. While the terrified country-folk sought safety for their goods in the churchyards and their persons in the churches,[3] he attempted to surprise the castles of Newark, Sleaford, and Kimbolton, but at each of them met with an ignominious repulse.[4] It seems that the King's Council on hearing of these outrages summoned Aumale to answer for them at Westminster, and that he made a pretence of intending to obey, and received a safe-conduct for that purpose.[5] Instead of doing so, however, he suddenly marched to Fotheringay. The responsible warden of Fotheringay at that moment appears to have been Hubert de Burgh.[6] But

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[1] Turner, pt. II. p. 248.

[2] R. Wend., vol. iv. p. 66. Cf. W. Cov., vol. ii. p. 247.

[3] R. Wend., *l.c.* He goes on: "Habuit autem, ut dicebatur, hujus factionis incentores Falcasium, Philippum Marc, Petrum de Maloleone" [*recte* "Malolacu"] "Engelardum de Athie, et alios multos, qui clam miserunt ei viros armatos ut pacem regni turbaret." But there is not a particle of evidence to indicate that such was the fact, or even that it was suspected at the time; indeed, the evidence of the records disproves the existence of such a suspicion against two of the men named, Philip Marc and Falkes; see Turner, pt. II. p. 254, and *Close Rolls*, vol. i. p. 448 b. Once again, as in his account of the Newark affair in 1217, Roger is carrying back to an earlier date his recollections of 1223.

[4] "Comes de Albomari mense Januario visus est furtive capere castra de Neuwerga, et de Latford, et de Kimbautona; sed turpiter repulsus, accessit ex improvisu ad Fodringham," etc., says the printed text of *Ann. Dunst.*, a. 1221, p. 63. *Visus* is obviously an error for *nisus*. Newark and Sleaford belonged to the Bishop of Lincoln; Kimbolton to the Earl of Essex.

[5] I think this must be the real meaning of the words of Roger of Wendover, (vol. iv. p. 67): "Convenerunt interim magnates Angliae ad regem apud Westmonasterium ut de negotiis regni tractarent; comes vero, qui cum caeteris vocatus fuerat, simulavit se illo ire," coupled with the safe-conduct until Candlemas granted to Aumale on some day between 15th and 22nd January, 1221, *Pat. Rolls*, vol. i. p. 278; cf. *Close Rolls*, vol. i. p. 446.

[6] "Justiciarius Angliae tunc in custodiam habebat," W. Cov., vol. ii. p. 247. Roger, *l.c.*, says "erat tunc castellum in custodia Ranulfi comitis Cestrensis," but the former is probably right. Cf. Turner, pt. II. p. 252.

Hubert was in London with the King, and Fotheringay was garrisoned by a mere handful of knights and men-at-arms. Aumale and his followers set fire to the gate, scaled the walls, slew two of the garrison, and captured the rest.[1] The count then returned to Bytham and continued his depredations.[2] One writer of the time says that he even had the impudence to send letters to the mayors of the cities of England, telling them that he had granted to all merchants "his peace, and licence to go freely to and fro between his castles for the exercise of their business," "as if he alone were master in the realm."[3] 1221

The seizure of Fotheringay probably became known in London late on January 22nd, or very early next morning. It seems that a great meeting of the royal Council had been convened for the 25th, but was held immediately on receipt of the tidings, in S. Paul's Cathedral.[4] William of Aumale and all his helpers and abettors were excommunicated by the Legate, the Archbishop of York, and seven (or ten) bishops of the southern province (its primate was at Rome), the Earls of Chester and Salisbury likewise holding lighted candles which they threw on the floor when the sentence was pronounced.[5] The grounds of the excommunication were fourfold: first, Aumale's refusal either to fulfill or to redeem his vow of crusade; second, his contempt of the "judgement of the realm" which had adjudged Bytham to William de Coleville; third, his seizure of "a castle of his lord the King" (Fotheringay) by treachery and without previous "defiance";[6]

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[1] Cf. R. Wend., vol. iv. p. 67, and *Ann. Dunst.*, p. 63.

[2] R. Wend., *l.c.*

[3] W. Cov., vol. ii. p. 247.

[4] On 22nd January a letter close was sent to Aumale bidding him trust what two persons named therein should say to him on the King's behalf; *Close Rolls*, vol. i. p. 446. This, from its tone, would seem to have been despatched in ignorance of the Fotheringay outrage—certainly before the assembly in which Aumale was excommunicated again. The date of that assembly is given in the Dunstable Annals, *l.c.*, as "in die Conversionis Sancti Pauli." But the excommunication is announced, as having already taken place, in a letter dated January 23rd, *Roy. Lett.*, vol. i. p. 169.

[5] Cf. W. Cov., *l.c.*, and *Ann. Dunst.*, p. 64.

[6] "Tum quia castrum domini sui regis proditione cepit antequam ipsum difidasset." I think this sentence of the Dunstable annalist (*l.c.*) tends to confirm the Barnwell writer's statement that Fotheringay was in the custody of Hubert. Strictly speaking, Fotheringay was never "a castle of his (Aumale's)

1221 fourth, his neglect to make amends according to the Legate's command for the plunderings which had brought upon him his former excommunication.[1] A summons was issued immediately to such of the barons as were not present, bidding them meet the King at Northampton with all the forces they could bring.[2] Some of the magnates made an attempt to persuade Aumale into submission, but without success.[3] When the King and the host reached Northampton, they found that the count had left Bytham secretly, and was making for his own castle of Skipton in Craven.[4] On this orders were issued that Skipton and two other of his strongholds, Cockermouth and Skipsey, should be "besieged and utterly destroyed" by the forces of the shires in which they respectively stood—Lancashire, Westmorland and Yorkshire.[5] Meanwhile the garrison left by Aumale at Fotheringay "hastened to consult their own safety" by going to join their friends at Bytham;[6] and when, on 3rd February, the royal forces, with a formidable siege train brought from Nottingham by Philip Marc,[7] marched upon Fotheringay, they found that castle deserted. Falkes was entrusted with its safe keeping,[8] and the rest of the host moved on to Bytham. There a summons to surrender was rejected by the garrison, who were forthwith excommunicated again.[9] Then the place was

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lord the King," *i.e.*, King Henry; it was a castle of the Earl of Huntingdon's, and held of the King of Scots; Henry had only the right to its custody during the minority of the heir, and he had committed it to Alexander as custodian. If, however, Alexander had (as he very likely may have done) placed it temporarily in Henry's hand, to be garrisoned by Henry's men under Henry's justiciar, the Dunstable writer's words would be far more intelligible than if they were applied to it when in the keeping of the Earl of Chester, who we know was, at some date before—unluckily there is nothing to prove how long before—12th March, 1221, appointed custodian of the honour of Huntingdon not by Henry, but, with Henry's sanction, by Alexander; see above, p. 163, note 4.

[1] *Ann. Dunst.*, p. 64.

[2] *Roy. Lett.*, vol. i. p. 169. This letter, dated 23rd January, is addressed to Geoffrey de Neville. There can be no doubt that a like summons was sent to the other sheriffs and barons, and that the muster was a general one.

[3] W. Cov., vol. ii. p. 248.

[4] *Roy. Lett.*, vol. i. p. 171. He left Bytham on 31st January; *ib.*

[5] *Close Rolls*, vol. i. p. 474 b.

[6] W. Cov., *l.c.*

[7] *Close Rolls*, vol. i. p. 448.

[8] *Ann. Dunst.*, *l.c.*

[9] W. Cov., vol. ii. pp. 248, 249.

assaulted, with such effect that it was almost in ruin when on 8th February its defenders surrendered at discretion.[1] What remained of it was immediately burnt to the ground, with all its contents.[2] Aumale was presently found by the Archbishop of York and the northern barons, in sanctuary at Fountains Abbey, whence they brought him to the King under a promise that if he could not obtain mercy from his sovereign, they would take him back to Fountains in safety.[3] At the Legate's desire, "peace was made between him and the King, forasmuch as he had served the King and his father faithfully and efficiently in the war"; and his knights and men-at-arms were all set free without punishment or ransom. Roger of Wendover grumbles at this clemency of the King, "who," he says, "set a very bad precedent for others to rebel against him in like manner, trusting to be similarly treated."[4] Pandulf was probably a better judge than Roger of the respective claims and advantages of mercy and severity in such a case. His mild policy certainly proved successful so far as Aumale himself was concerned. The count managed, indeed, to stave off the fulfilment of his crusading vow for more than twenty years longer; but in all those years he seems never, save for one brief moment in 1223, to have given any trouble to the government.[5] 1221 —

The next step taken by the King's guardians towards the recovery of control over the royal castles was a weighty one. They "urged" Earl William the Marshal to surrender

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[1] R. Wend., vol. iv. p. 67.

[2] W. Cov., vol. ii. p. 249. *Ann. Dunst.*, p. 64.

[3] *Ann. Dunst.*, *l.c.*

[4] R. Wend., vol. iv. pp. 67, 68.

[5] Commentators seem puzzled to account for a letter, dated 29th April, 1221, in which the Pope bids the Archbishop of York and his suffragans, "cum, sicut audivimus et dolemus, gravis guerra in regno Angliae incipit pullulare, quae nisi fuerit repressa celeriter, in totius regni poterit excrescere detrimentum . . . . quatenus singuli tanquam propriam causam agentes ad praecidendam guerrarum materiam et pacis foedera reformandam omne studium et diligentiam impendatis"; *Roy. Lett.*, vol. i. pp. 174, 175. I would suggest that Honorius had heard something of the misdoings of the lord of Holderness, and was neither sufficiently learned in English geography to realize that they were not actually done in the northern province, nor, as yet, aware—as, indeed, he could not be at that date—how promptly they had been brought to an end.

1221 Marlborough[1] and Luggershall; "a thing which"—as the king himself explained in a letter written some three years later—"was most expedient for us, that thereby the other magnates should be more easily induced to resign likewise the castles of ours which they held."[2] To conciliate the Marshal himself was, however, at that moment especially, a matter of almost greater consequence than to get possession of the castles. No other man in England had as much power to strengthen or weaken the hands of the government as he; and that power was on the increase. In June, 1220, he had ceded to his brother Richard his rights to the Norman lands of their father. Richard, having no lands in England, could do what the Earl could not—enter into his Norman heritage, by doing homage for it to Philip Augustus; and he did so without delay.[3] Thus the family was brought into close connexion with the interests of France. The Marshal's wife, a half-sister of the Count of Aumale, had now been dead some years, and he was contemplating a marriage with a sister of Earl Robert de Bruce. In view of the relative geographical positions of Bruce's earldom on the Scottish border and the Marshal's lands in Ireland, the prospect of this alliance filled the English King's Council with alarm; the more so as they believed that "there were other magnates in England who by malicious confederations were striving to turn away his heart from" the King.[4] They therefore offered him a bride of higher rank—the youngest sister of the King.

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[1] *Ann. Dunst.*, a. 1221, p. 68. On 28th April Falkes, Richard de Rivers, and Engelard de Cigogné were sent to the Marshal with a letter desiring him to trust to what they should tell him from the King about the castle of Marlborough "ad fidem, commodum, et honorem nostrum." *Pat. Rolls*, vol. i. p. 287.

[2] *Roy. Lett.*, vol. i. p. 245.

[3] Stapleton, *Rotuli Normanniae*, vol. ii. introduction, p. cxxxviii.

[4] *Roy. Lett.*, vol. i. pp. 244, 245. This may be an allusion to the supposed plot of Peter de Maulay, or merely to what was possibly the origin of a misunderstanding which had occurred between the Marshal and the government at the time of the siege of Bytham. The Marshal received no summons for that expedition, but hearing when on his way "ad remotas partes" on business of his own that the host was mustering, he hurried back and wrote to the King, expressing his surprise at not having been summoned, and his readiness to join the muster; *ib.* pp. 170, 171. The omission to summon him can hardly have been intentional; it is much more likely that the summons miscarried, and this may have occurred through its interception by some mischief-maker.

The Justiciar and the Marshal pledged their faith to each other that this marriage should take place, if the King and the magnates of the realm would give their consent, which the Legate and Hubert promised to do their utmost to obtain. The Marshal then surrendered the two castles, delivering them into the hands of the Legate as their custodian, on a promise that they should be restored to him if the contract were not fulfilled within a certain time.[1] 1221 —

It is difficult to guess who can have been the magnates suspected of "trying to turn the Marshal's heart away" from his young sovereign. There were, however, rumours of a treasonable plot about this time. The Justiciar's uneasiness was shown in an order, issued early in March, that no person, armed or unarmed, should be allowed to land at or sail from Bristol, Exeter, or any of the Cinque Ports unless he had a special warrant from the King.[2] While the court was assembled at Winchester for Whitsuntide, Peter de Maulay, the sheriff of Dorset and Somerset and warden of the royal castles of Corfe and Sherborne, was arrested on a charge of treason brought against him by one Richard Muscegros.[3] Engelard de Cigogné was arrested and imprisoned at the same time, also on suspicion of treason.[4] On the Friday in the same week (4th June) Peter de Maulay delivered to the King, by the hands of the Justiciar, the Earls of Salisbury and Pembroke, and William Brewer, the royal castle of Corfe, with the King's cousin Eleanor, the Scot King's sister Isabel, and the jewels, crossbows, and other property which King

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[1] *Roy. Lett.*, vol. i. pp. 244, 245. Marlborough castle was in Pandulf's custody till 7th February, 1224; *Pat. Rolls*, vol. i. p. 426. So also, no doubt, was Luggershall, John Little, who on 2nd March, 1224, was ordered to deliver both castles to Robert de Meisy (*ib.* p. 428), being sub-warden under Pandulf. The *Ann. Dunst.* (p. 68) which do not mention Luggershall, say of Marlborough, "Quod quidem [Marescallus] tali conditione reddidit in manum legati, quod si alii similiter castra sibi commendata redderent, et suum retineretur, alioquin ei redderetur"; but the King's letter is a better authority as to the condition.

[2] *Pat. Rolls*, vol. i. p. 284. Cf. *Close Rolls*, vol. i. p. 451.

[3] Cf. W. Cov., vol. ii. p. 250, and *Ann. Dunst.*, p. 75, and for Richard Muscegros see *Pat. Rolls*, vol. i. p. 216.

[4] *Ann. Dunst.*, p. 68. This authority says "post Pentecosten"; the Barnwell annalist (W. Cov., *l.c.*) places the capture of Peter de Maulay "in festo Pentecostes," which, like Falkes's narrative (which will be dealt with later) leaves it uncertain whether the date meant is Whit-Sunday or merely Whitsuntide.

1221 — John had committed to Peter to keep in the castle.[1] Thereupon he seems to have been released,[2] on an undertaking to stand his trial before the King's Court at a later time. The charge against him, whatever may have been its origin, was evidently already recognized as unfounded ; he was left in possession of his sheriffdoms, and of another royal castle, Sherborne,[3] and no further proceedings were taken in his case till November. Then, at a great council in London, he was, according to one account, tried and acquitted ; [4] according to another, "he put himself on the King's mercy, and was reconciled with him, his accusers thinking better of the challenge which they had brought against him." [5] His sheriffdoms were transferred to other hands,[6] but he was publicly acknowledged by the King as "trusty and well-beloved" ; [7] and Sherborne castle was left in his keeping till the end of January, 1222.[8] The charge against Engelard de Cigogné was evidently found to be as baseless as that against Peter ; Engelard was released on giving hostages for the surrender of Windsor castle whenever the King should require it,[9] but it was not required till more than two years later, and then only in consequence of a papal order for the surrender of all the royal castles of England ; and meanwhile, four months after his arrest, he was employed by King and Council on important political and financial business in Poitou.[10] Peter de Maulay is said to have sworn to John that he would not give up the castles committed to his charge till Henry should be of age.[11] Possibly Engelard may have been in the same case, and the "treason" of both may have consisted in a refusal, grounded upon this previous oath, to obey some demand made by the Justiciar for the surrender of Corfe and Windsor on the strength of the oath taken at the coronation in 1220. There is indeed no evidence of such a demand having been made; but it appears somewhat significant that both Peter and Engelard were released, and the charges against them practically withdrawn, as soon as the one prisoner had surrendered Corfe and the other given security for the surrender of Windsor on demand. **1221**

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[1] *Pat. Rolls*, vol. i. p. 321.

[2] *Querimonia Falcasii*, W. Cov., vol. ii. p. 260, and *Ann. Dunst.*, p. 68.

[3] "De qua captione non ante dictus nobilis evadere potuit quam ea castra quae sibi tam a domino Guala quam etiam a patre domini regis commissa fuerant restitueret," says Falkes (*Quer. Falc.*, *l.c.*). But the records show that Peter really resigned nothing, except Corfe, until 20th November (1221), and that he retained Sherborne till 30th January, 1222 (*Pat. Rolls*, vol. i. p. 325). On the words about Gualo see Note VI.

[4] *Ann. Dunst.*, p. 75.

[5] W. Cov., vol. ii. pp. 250, 251.

[6] *Pat. Rolls*, vol. i. p. 320.

[7] *Ib.* p. 321 ; cf. *Close Rolls*, vol. i. p. 481 b.

[8] See note 3 above.

[9] *Ann. Dunst.*, p. 68.

[10] See below, p. 176.

[11] See above, pp. 73, 74.

The marriage of Alexander and Joan was now fixed to take place at York in the middle of June.[1] The court therefore moved northward, by way of Oxford, Northampton, and Nottingham; and in each of these castles, it is said, the garrison was reinforced, or a part of it replaced, by some knights of the King's own household.[2] On 19th June[3] Alexander and Joan were married by Archbishop Walter.[4] A month later, at Westminster, in presence of the bishops of Winchester, London, and Salisbury, Pandulf publicly resigned his legation.[5] Archbishop Stephen, who had been at Rome ever since the previous autumn,[6] was now coming home,[7] bringing with him a grant from the Pope of some important privileges, one of which was that during Stephen's own lifetime no resident legate should again be appointed in England.[8] In all likelihood Pandulf had asked to be 19 *July*

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[1] Early in the year it seems to have been arranged that Henry and Alexander should meet at Lincoln on 7th June; but the place and day were changed to York and 14th June (*Close Rolls*, vol. i. p. 476), and the meeting was ultimately postponed till 19th June.

[2] *Ann. Dunst.*, pp. 68, 69. Hubert (and of course Henry) was at Oxford 9th June, Northampton 11th, Nottingham 14th, Blyth 15th, and York 19th; *Close Rolls*, vol. i. pp. 461 b, 462.

[3] *Chron. Melrose* and *Chron. Lanercost*, a. 1221. M. Paris, *Chron. Maj.*, vol. iii. p. 66, gives the date as 25th June, which the *Close Roll*, vol. i. p. 463, shows to be incompatible with the movements of the English court. Alexander's settlement of dowerlands upon Joan—"sponsae nostrae dilectae"—is dated York, 18th June; *Pat. Rolls*, vol. i. p. 309.

[4] W. Cov., vol. ii. p. 249.

[5] Cf. *ib.* p. 250, and *Flores Hist.*, vol. ii. p. 172; the date comes from the latter.

[6] He went after Michaelmas, 1220, *Ann. Dunst.*, p. 64, "propter quaedam negotia Anglicanae Ecclesiae," W. Cov., vol. ii. p. 246.

[7] He reached England about 15th August; W. Cov., vol. ii. p. 250.

[8] *Ann. Dunst.*, p. 74.

1221 — released from the double burden which he had now borne for more than two years.[1] By resigning his legation he also laid down his regency; for it was in virtue of his authority as the Pope's representative that he had been chosen to succeed the Earl Marshal as regent. Neither the Pope nor the magnates took any steps to provide a successor to Pandulf in this latter office; and thus the first English regency suddenly came to an end.

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[1] The Continuator of Florence of Worcester, a. 1221, (p. 173), says that Pandulf "a legationis officio revocatur." This phrase need not exclude a voluntary resignation; he may have been recalled at his own request. No papal letters on the subject are extant; it is probable that Pandulf, like Gualo, asked permission to lay down an office which seems never to have been much to his taste; and it is even possible that he may have made his request through Stephen.

# CHAPTER IV

## TUTORS AND GOVERNORS

1221-1223

> Haeres . . . cum sit dominus omnium . . . sub tutoribus et actoribus est, usque ad praefinitum tempus a patre.

1221 — WHEN Pandulf resigned his offices in England the King was within three months of his fourteenth birthday. Whether his minority was to terminate then, or how much longer it should continue, was still undecided. It seems to have been considered as terminable at any time after October 1st, 1221, at the discretion of the Pope; and this may have been the reason why no provision was made for a continuance, in the hands of any person or persons whatever, of the special authority in temporal matters which had been vested in the Legate. The Council which had carried on the administration of affairs under him was, so far as we can see, simply left to carry it on without him.

The government thus constituted had no reason to anticipate any immediate difficulties. The realm was at peace within its own borders, and at peace with its neighbour lands, Scotland and France. The Welsh princes were as usual not only quarrelling among themselves but also dragging the barons of the English border into their quarrels; but a new agreement among the princes, and a truce between Llywelyn on the one part, and the Marshal and Reginald de Breuse on the other, had just been patched

1221 — up by Pandulf at Shrewsbury.[1] The alliance with Scotland was further cemented by another marriage before the end of the year; in fulfilment of Henry's promise that the Scot King's sisters should be provided with husbands in England, Margaret—once the destined bride of Henry himself—became the fourth wife of his Justiciar, Hubert de Burgh.[2] In Ireland, Geoffrey de Marsh had so misused his day of grace, by neglecting to fulfill the promises which he had made to the King a year before, that his removal could no longer be avoided; and just before Pandulf's resignation letters in the King's name were sent to the native princes of Ireland and the barons of the March, setting forth Geoffrey's misdeeds and proclaiming that in consequence of them, "we, being justly provoked thereto that we should suffer him to rule our land of Ireland no more, do by the common counsel and assent of ourself and of the magnates and faithful men of England ordain that Henry Archbishop of Dublin shall have the custody and care of that land till we shall determine otherwise."[1] The letters patent appointing the Archbishop Justiciar in Ireland had in fact been issued a fortnight before;[2] but a formal surrender of the office by Geoffrey was necessary before they could take effect. This surrender Geoffrey made on October 25th.[3] 1221

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[1] According to the *Brut*, p. 309, "young Rhys" (of South Wales; see above, p. 90) "became angry with the Lord Llywelyn and separated from him, and went to William Marshal, Earl of Pembroke, because Llywelyn had given Caermarthen to Maelgwn ap Rhys, and would not give Aberteivi" (*i.e.* Cardigan) "to him [Rhys], which fell to his share when South Wales was divided. Then Llywelyn with his army came to Aberystwith, and obtained possession of it. . . . Rhys repaired to the court of the King and complained . . . and the King assembled Llywelyn and the earls and barons of the Marches to Shrewsbury. And in that council young Rhys and Llywelyn were reconciled, and Llywelyn relinquished Aberteivi in his favour, as he had given Caermarthen to Maelgwn." On 23rd June a safe-conduct was issued to Llywelyn to come and speak with the King "de negociis Angliae et Walliae" (*Pat. Rolls*, vol. i. p. 294). On 10th July the Legate wrote to Hubert from Shrewsbury that Llywelyn "et alii Wallenses et Marchiones, et Reginaldus de Brahus," had come thither on the 7th ("die Mercurii proxima post octavas Apostolorum Petri et Pauli," *Roy. Lett.*, vol. i. p. 136. Dr. Shirley dated this letter 11th July, 1220; but the "Wednesday after the octave of SS. Peter and Paul" in that year was the morrow of the translation of S. Thomas, when Pandulf cannot possibly have been at Shrewsbury. On the corresponding day next year, 1221, he may very well have been there; and we know from the *Close Rolls*, vol. i. pp. 463-465, that Hubert had been there in the preceding week, but had left on 2nd July, and was at Windsor on the day on which Pandulf's letter was written. The entry in p. 464 which makes Hubert appear "apud Westm., ii die Jul.," obviously contains a clerical error as to either place or date). On 30th April, 1222, Llywelyn was desired to prolong his truce with the Marshal and Reginald de Brense until Easter "in forma qua treugae illae captae fuerunt apud Salopesbiry coram nobis et domino Pandulfo Norwicensi electo, tunc legato" (*Pat. Rolls*, vol. i. pp. 331, 332); whence it seems that the *Brut* is right in asserting the King's presence at the Shrewsbury meeting in July, 1221. The settlement, whatever its character, was clearly the work of Pandulf, not Hubert.

[2] W. Cov., vol. ii. p. 250; *Chron. Melrose* and *Chron. Lanercost*, a. 1221.

A new seneschal of Poitou and Gascony, Hugh of Vivonne, had been appointed on 4th January.[4] He undertook the office with evident reluctance and forebodings—or hopes—of a speedy return;[5] and at the end of nine months he seems, like many another before him, to have found himself unequal to the difficulties of the situation. A Gascon noble of greater fame and a more highly trained and widely practised diplomatist were sent both at once to relieve and supersede him. The first was Savaric de Mauléon; the second was Pandulf. On 6th October the prelates, barons, and people of Poitou and Gascony were informed that the King had committed those two counties and their appurtenances to Savaric,[6] and also that he was sending Pandulf—now described as "bishop elect of Norwich, and chamberlain to the Pope"—into Poitou "for great and difficult matters," in which the inhabitants of the land were exhorted to give the ex-Legate every assistance in their power.[7] Pandulf seems to have set out on his mission immediately, and in the full expectation that it would be one of considerable duration; on 12th October he had letters of protection for a year from All Saints' day.[8] The primary purpose of that mission was, seemingly, to negotiate with Hugh of La Marche. Hugh and Isabel were still clamouring for Isabel's Aquitanian

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[1] *Close Rolls*, vol. i. pp. 476, 477 b; 17th July, 1221.

[2] 3rd July; *Pat. Rolls*, vol. i. p. 295.

[3] *Ib.* pp. 316, 317.

[4] *Ib.* pp. 275, 276.

[5] See his agreement with the King, *ib.* p. 306, and Note VI.

[6] *Pat. Rolls*, vol. i. p. 304.

[7] *Ib.* p. 303.

[8] *Ib.* Cf. *Ann. Dunst*, p. 75: "Et statim" (after resigning the legation) "pro domino rege profectus in Pictaviam, treugas inter nos et Pictavenses prorogari impetravit."

1221 — dower-lands; the English government was determined not to restore these till Hugh had performed his homage and surrendered the lands given him by John in pledge for the dowry of Joan; which lands Hugh was equally determined to keep until his wife's claims were satisfied. By the end of September Hugh's aggressions had become so intolerable that the English Council retaliated by seizing into the King's hand all the lands held in England by Hugh and Isabel as part of Isabel's dower.[1] But to retaliate in Aquitaine itself was not so easy. One great difficulty was, as usual, the want of money. The mayor and commune of London stood surety for the King to the mayor and commune of La Rochelle for the repayment of two loans, which the last-named city was requested to make "for the safe-keeping and defence of our land of Poitou," the one of a thousand marks to Pandulf, the other of five hundred marks to Engelard de Cigogné and Emeric de Sacy, who were despatched at the same time as Pandulf, also on business "touching our land of Poitou."[2] On 1st November letters were addressed to the mayors and good men of Cognac, Saintes, Angoulême, and Oléron, bidding them withdraw from all further allegiance to the count of La Marche, and recognize no commands save those of the King's seneschal of Poitou.[3] No name was given to the seneschal in this letter. The acting seneschal was still Hugh of Vivonne; Savaric, it seems, was even more reluctant than Hugh had been to undertake the office—he was probably more fully aware of its difficulty—and made his acceptance of it dependent on the fulfilment of certain conditions, whether political, military, or financial, there is nothing to show. The English Council, in fact, at the very moment when they were thus writing brave words to the Aquitanian towns, knew that their only hope of dealing successfully with either Hugh de Lusignan or Savaric lay in the diplomacy of Pandulf; and on 2nd November they commissioned the ex-Legate "to procure in whatever way he could the making of a prolonged truce between the King and the count of La Marche, and, having obtained this, to 1221 persuade and exhort Savaric de Mauléon to hasten into the presence of the King, who would (God willing) do what was right concerning his (Savaric's) requests. If, however, the elect of Norwich could not make a truce with the Count, then let him devote his care and diligence to the carrying on of the King's business according to what had been determined in the King's presence; and let him deliver the care and custody of those parts to Savaric, inducing him thereto as best he could, and causing him to be efficiently provided with money for the defence of the land, according to the form which had been given to him."[1] The Council's trust in the dexterity of Pandulf was not misplaced. That he succeeded in making with La Marche a truce which lasted through the winter and was succeeded in the spring by some more definite agreement, may be gathered from the fact that nothing more is heard of either Hugh or Isabel till April, 1222, and then 1222 the Queen's English dower-lands were restored to her.[2] He was equally successful in "inducing" Savaric de Mauléon to undertake the seneschalship of Aquitaine; an office for which Savaric was, probably, by far the fittest man to whom it had ever been given, or offered, since the recall of Hubert de Burgh.

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[1] The custody of all these lands was committed to Richard de Rivers on 29th September; *Pat. Rolls*, vol. i. p. 302.

[2] *Ib.* pp. 303, 304.

[3] *Ib.* p. 315.

Pandulf's mission to Poitou has a significance beyond its actual results. It indicates how large and disinterested was the view taken by him and by Honorius of what the papal overlordship of England and guardianship of its young King should involve. The foreign churchman who for two years and a half had been, alike in right and in fact, supreme head of the government in England had no sooner laid down his office there than he—of course with the sanction of the Pope, whose chamberlain he still remained—placed himself at the

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[1] "Mandatum est de Norwico electo quod procuret quomodo poterit diffusas treugas ex parte domini Regis cum comite Marchiae inire; quibus optentis, Savaricum de Maloleone inducat et moneat ac (*sic*) ad Dominum Regem festinet, cui (*sic*) faciet de petitionibus suis Deo dante quod bene erit" etc.; *Close Rolls*, vol. i. p. 477 b. As the rest of the letter shows clearly that it was not Pandulf who was to "hasten to the King," I can only suppose that *ac* should be *ut* and *cui* should be *qui*.

[2] *Pat. Rolls*, vol. i. pp. 329, 330, 13th April, 1222.

1221 disposal of the English ministers of State, so lately his subordinates, and accepted from them a diplomatic commission which could bring no advantage of any kind either to himself or to the Roman See, solely for the purpose of helping them and their young sovereign out of a difficulty. On the other hand, the fact that these ministers, when no longer under any necessity of admitting him to a share in their counsels, were so ready to make use of his help and placed in him so much confidence as is implied in the latitude of the powers with which they entrusted him on this occasion, is a strong testimony to the estimation in which their previous relations with him had led them to hold his character, his abilities, and his devotion to the welfare of King and kingdom. As under William the Marshal, so under Pandulf, we cannot tell whether the inner working of the royal Council had been really as harmonious as its outward action appears, nor how much of its harmony, inward or outward, was due to the regent. Some indications of rivalry between certain of the King's councillors seem to be discernible before the close of Pandulf's rule ; but so far as we can see, no open breach among them showed itself till some two years and a half after his controlling hand was removed.

It is difficult to define precisely the composition, during the minority of Henry III, of the body known as the King's Council. That body included, besides the Primate of all England, the justices, and the great officers of State—justiciar, chancellor, treasurer,—certain persons who were called to be members of it on personal rather than official grounds, such as Bishop Peter of Winchester, Philip d'Aubigné, the Earl of Chester, and the King's uncle, Earl William of Salisbury. Since the spring of 1219 the most onerous and important part of the work of government had been shared, under Pandulf, between Hubert de Burgh and Peter des Roches ; Hubert, as Justiciar, naturally taking the more prominent part. Among our materials for the history of the time we find no suggestion anywhere that they were other than true yoke-fellows, till at Whitsuntide, 1221, there occurred the mysterious affair of Peter de Maulay.[1] The only two chroniclers who record De

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[1] See above, p. 169.

Maulay's arrest say nothing more about its grounds than that he was "accused of treason." Falkes de Bréauté, four years later, asserted that Peter de Maulay after dining at court was called into the King's chamber as if for some private discourse, and there denounced as a traitor who had made a compact with the King of France to deliver into his hands the Lady Eleanor of Brittany, Henry's cousin, who had been a State prisoner in Corfe castle for many years; moreover, according to Falkes, a greater personage than the castellan of Corfe was involved in the accusation; it was asserted that a ship to convey the lady over sea had been made ready by the Bishop of Winchester, who at the time of the arrest was absent from England on a pilgrimage to Compostella, and that the bishop was really gone not to pay his devotions to S. James, but to talk over the plot with Philip Augustus. Falkes declared that the only real plotters in the case were the Justiciar and his "accomplices," who for their own private ends had planned the arrest of Peter de Maulay in the absence of Peter des Roches, and invented this story against both; and he adds that they overwhelmed De Maulay with insults, blows, and other indignities, and loaded him with chains, before they cast him into prison.[1] Falkes's story is almost certainly correct thus far, that no real plot existed; for, whatever ill-treatment Peter de Maulay may have undergone at the time of his arrest, his innocence was implicitly acknowledged within less than a week, by his release as soon as he had surrendered Corfe; and the accusation against the other Peter, if ever really made, was clearly dropped at once and never revived. The whole plot seems to have been a sheer fiction; but we can hardly accept Falkes's account of its origin. Hubert and Peter des Roches may have been jealous of each other; and they may have differed on some questions of policy—perhaps, amongst other things, as to the expediency or the justice of requiring compliance with the letter of the recent oath about the surrender of castles, in a case where a previous oath sworn to the late King could be pleaded against it.[2] We should, however, require a more impartial authority than Falkes to make us believe that Hubert's jealousy and self-will goaded 1221

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[1] *Querimonia Falcasii*, W. Cov., vol. ii. p. 260.

[2] See above, p. 170.

1221 him into an attempt to ruin his rival by a device at once so monstrous and so clumsy as that which Falkes ascribes to him. He is far more likely to have been duped into believing a story invented by some unscrupulous subordinate who hoped that it might bring promotion to himself by serving (as, no doubt, it did serve) to the attainment of an end—the surrender of Corfe—which he knew the Justiciar had at heart, but which may not have commended itself to the judgement of the Bishop of Winchester.

In his capacity of personal guardian, "master," and instructor to the young King, Bishop Peter had an assistant in Philip d'Aubigné, a man whose valour and loyalty had been proved both on land and sea, and who bore a high character alike in public and private life.[1] It seems to have been in Philip's charge that the boy had been left while the bishop made his pilgrimage to S. James;[2] much against the will of Philip, who had taken the Cross at the beginning of the year and was anxious to fulfill his vow.[3] He started as soon as he was set free by the bishop's return.[4] The Christian host besieged in Damietta was known to be in great straits, and many volunteers from Europe were eager to reinforce it. On 19th September Bishop Peter also took the Cross;[5] Falkes did the like about the same time; and at the close of the year or beginning of the next they were both preparing to set out, seemingly together, when they were stopped by the tidings that Damietta had been surrendered.[6] The fact that Peter contemplated such an expedition is significant. It shows that his tutorship of the young King was at an end. Falkes says that it was pronounced—seemingly by the other members of the Council under Hubert's influence—on Peter's return from Spain, to be at an end, on the ground that Henry was now beyond the age of pupilage.[1] The boy's personal emancipation from his tutor's control, however, did not imply any emancipation from wardship or tutelage in the legal sense; Henry's school-days were over, but not his minority. 1221

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[1] "Miles strenuus ac morum honestate commendabilis, regisque Anglorum magister et eruditor fidelissimus." R. Wend., vol. iv. p. 75. He was one of the commanders in the sea-fight off Sandwich in August, 1217; see above, p. 52.

[2] Turner, pt. II. p. 262. Peter went some time before 16th April, *Pat. Rolls*, vol. i. p. 286, and must have been back before 21st June, when Philip d'Aubigné had already set out for Holy Land, *ib.* p. 293.

[3] *Ib.* pp. 284, 293, and Turner, *l.c.*

[4] He sailed from Marseille for Damietta on 15th August; see his own letter in R. Wend., vol. iv. p. 75, where it is put under a wrong year, 1222.

[5] *Ann. Wav.*, a. 1221.

[6] *Ann. Dunst.*, p. 75.

The Christmas court was held at Winchester. On former occasions the King, when he visited that city, seems to have been entertained by his tutor, in the episcopal palace or castle of Wolvesey; this time, however, the royal castle on the hill-top was specially made ready for his abode.[2] During the festival season a quarrel broke out between Earl Ranulf of Chester on the one part and the Earl of Salisbury and the Justiciar on the other. 1221–1222 High words passed, and Chester seems to have uttered some threat of violence, for we hear that "the Earl of Salisbury and the Justiciar, the governors of the King and kingdom, manfully prepared themselves and their followers for resistance." Fortunately, however, there was now one member of the royal Council who was outside of and above all party or personal disputes, and whose position and character alike marked him out for the office of peacemaker. For six years the Archbishop of Canterbury had been reduced to a subordinate position, ecclesiastical and political, by the presence in England of a Papal Legate; and during the last nine months of Pandulf's legation Stephen had been out of the country altogether. But he had now come back to his old place as the highest ecclesiastical authority in the realm and the first adviser of the Crown. "Pitying the King's youth and lack of power," he called his suffragans together in council in London at Hilary-tide (1222), and in concert with them threatened to "wield the spiritual sword against disturbers of the realm and assailants of the King." This threat brought the contending parties to "concord and

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[1] "Cum autem Wintoniensis Episcopus de partibus Hispaniae esset reversus, ipsumque regem post excessum pupillaris aetatis a sua fateretur custodia liberatum." *Quer. Falc.*, p. 260.

[2] See orders to sheriff—who of course was Peter's deputy—for cleaning and repairing the royal lodgings, hall, painted chamber, kitchen, &c., *Close Rolls*, vol. i. p. 483. Roger of Wendover, vol. iv. p. 75, says "Rex . . fuit ad Natale apud Wintoniam, episcopo civitatis Petro omnia sibi necessaria ministrante." So he did, no doubt, but as sheriff acting under orders and at the King's expense, not as host.

1222 — peace."[1] Of the subject and origin of this quarrel we know nothing. The sole writer who mentions it tells us that "it was said, and many persons throughout England suspected and asserted, that the foreigners, who were more desirous of disturbance than of peace in the realm, were trying to stir up the Earl of Chester to give trouble to the King and disquiet the kingdom." Who were the particular "foreigners" thus accused by rumour, who were the persons that spread the rumour, and what it was that Chester really did, or threatened to do, or was suspected of intending to do, is absolutely unknown. So far as the evidence goes, the dispute may have been a purely personal one, and the Archbishop's strong measure may have been taken for the purpose of emphasizing the scandal and the possible danger involved in a brawl at the King's court between men of such high rank and importance, rather than for that of checking any actual or even supposed design of political disturbance or rebellion.

There was, indeed, an undercurrent of disturbance running beneath the surface of English politics; but the disturbance, so far as can be seen, was not, as yet, of a party character, though it contained elements which might easily combine so as to form a serious danger to the government. The traces left by the war on the habits and dispositions of the classes which had been engaged in it were far from being wiped out even yet. The passion for tourneying which had seized upon Englishmen after the close of their struggle with the invader still required constant repression.[2] Moreover, the years of confusion had brought back to England another continental practice which had never been recognized as legal there since Stephen's time, the practice of private war; and so deeply had this evil custom taken root that it seems to have been tolerated by the King's guardians without protest, except when it brought a belligerent into direct collision with the authority of the Crown. We have seen how one magnate who was actually a member of the Council, Earl William of Salisbury, had to be prevented by Falkes, acting under a royal order, from forcibly ousting a rival custodian from

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[1] W. Cov., vol. ii. p. 251.

[2] See prohibitions in Patent Rolls *passim*.

Lincoln castle. He avenged himself on Falkes by stirring 1221
— up against him some of the chief men of Devon and Cornwall, one of them being the sheriff of these two counties, Robert de Courtenay. These men banded themselves together in March, 1221, for a combined plundering raid on Falkes's lands in Devonshire, "but," wrote Falkes to the Justiciar, "that day they received letters from the Earl of Salisbury bidding them not move, on account of a truce made between him and me till the quindene of Easter; to which truce—so he told them—he had consented in order that he might make use of the interval in Lincolnshire."[1] Robert de Courtenay, nevertheless, not only forcibly prevented the shipping of corn from Falkes's manor of Exminster to revictual Falkes's castle of Plympton, but seized the corn, and flogged and imprisoned one of Falkes's boatmen, alleging that he had orders from the King to let no corn go out of the harbour of Exminster. Falkes asked the Justiciar to put a stop to this flagrant violation by a sheriff of the rights of private property; but the tone of his letter shews that he regarded, and expected Hubert to regard, his struggle with Longsword as quite another matter, one in which each of the belligerents was free to act as he thought good, without reference to the government.[2] Another illustration of the same evil occurs fifteen months later. The 1222
castle of Dinas Powys, in Glamorgan, was in the hands of the Earl Marshal, but belonged of right to Gilbert Earl of Gloucester. The Marshal surrendered it to the King in Gilbert's presence in London, that it might be delivered to a representative of the King, who in his turn should restore it to its owner. Gilbert, instead of waiting for the completion of this quite ordinary procedure, gathered his followers and prepared to march upon the castle, if he did not actually lay siege to it, in July, 1222. He was officially told that the King was "greatly astonished," not, it would seem, at his

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[1] "Treugas . . . quas coepit, ut praedictis significavit, ut interim in partibus Lincolniae sua possit usitare et expendere." *Roy. Lett.*, vol. i. p. 172. There seems to be a noun omitted in connexion with "sua"; I think the meaning of the sentence must be as I have rendered it.

[2] *Ib.* pp. 172, 173.

1222 taking the law into his own hands in any case, but merely at his doing so after the transfer of the castle had been agreed upon in the King's presence and undertaken by the King himself.[1] The crowning instance of lawlessness occurred a fortnight later; and this time the offenders were neither foreign soldiers of fortune nor English earls, but citizens of London.

From time immemorial the fields around the Tower had served as a holiday resort for the younger citizens, who spent their leisure time there in wrestling and other athletic sports. A trial of strength and skill in wrestling was arranged to take place hard by Queen Matilda's Hospital, between the young men of the city and those of the suburbs, on S. James's day, 25th July. The citizens won the match. Among their antagonists was the Abbot of Westminster's steward; and he brooded over his own defeat and that of his comrades till he devised a way to avenge it. First, he sent out a general notice inviting all who would to come to a wrestling match at Westminster on the next holiday, the feast of S. Peter in Chains, 1st August; the prize was to be a ram. Next, he gathered on his own side a picked band of strong and expert wrestlers, and secretly provided them with arms. The unsuspecting citizens came in crowds; for a while the wrestlers seemed equally matched; suddenly the Westminster side produced their weapons. The unarmed Londoners were soon overcome; beaten and wounded, they fled helter-skelter into the city. A mighty tumult arose;

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[1] "Audivimus quod preparatis vos in multitudine armatorum eundi in Walliam ad capiendum castrum de Dinaunt Poys, quod est in manu W. Marescalli Comitis Penbrochiae, et quod ipse nobis restituit in presentia vestra et aliorum fidelium nostrorum London[iae], unde plurimum miramur. Et ideo vobis mandamus firmiter praecipientes quatinus in fide qua nobis tenemini ab hujusmodi propositi desistatis, nec ullo modo ad castrum illud sic capiendum accedatis, quoniam mittimus in partes illas Robertum de Vallibus cum litteris praedicti Marescalli ad constabularium castri praedicti ut illud ex parte nostra ab illo recipiat et vobis illud ex parte nostra liberet, salvis ipso Marescallo bladis suis," &c., "sicut coram nobis et consilio nostro fuit concessum ex parte vestra." *Pat. Rolls*, vol. i. p. 346. The scribe of the Roll has obscured the story by adding a most confused and confusing note: "Duplicantur littere iste, mutata prima clausula, in cujus loco scribitur 'quod idem comes obsidionem dedit dicto castro,' &c." This looks as if it ought to mean that the Earl Marshal was besieging the castle; but it must of course really refer to the Earl of Gloucester.

the common bell was rung, a mass-meeting was held, 1222
schemes of vengeance were proposed. Serlo the mayor, "a prudent and peaceable man," advised that a complaint should be laid before the Abbot of Westminster, and urged that if the abbot would make a fitting compensation on behalf of himself and his men, "all ought to be satisfied." The angry citizens, however, were more inclined to listen to a certain Constantine Olaveson, "a great man in the city," who proposed that "all the abbot's buildings" and his seneschal's house should be pulled down;[1] and next morning an armed mob made a raid upon Westminster. Their first intention was to attack the church; but from this "some wise man" dissuaded them,[2] and they contented themselves with pulling down the steward's house and doing as much damage as they could to his property and that of the abbot.[3]

The Justiciar was at this time in the west of England.[4] It chanced, however, that Philip d'Aubigné on his return from the East reached London a few days after the riot had taken place; and to him the Abbot of Westminster went to complain of the violence which he and his men had suffered. The Londoners at once came "like bees" about the house where Philip and the abbot were, forcibly carried off twelve of the abbot's horses, beat his servants, ill-treated the knights who accompanied him, and tried to capture the abbot himself. Philip d'Aubigné vainly endeavoured to quell the tumult; the abbot was obliged to slip out by a back-door and escape in a boat, in peril of his life from the stones which the citizens flung after him.[5] On 12th or 13th August Hubert reached London.[6] He at once called together the mayor and aldermen and demanded the names of the ring-

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[1] R. Wend., vol. iv. pp. 79-81. Constantine's patronymic, "Filius Olavi," comes from M. Paris, *Hist. Angl.*, vol. ii. p. 251; in *Ann. Dunst.*, p. 79, he appears as "Constantinus Aloph."

[2] *Ann. Dunst.*, p. 78; in these annals the story is told under a wrong year, 1223.

[3] *Ib.*; cf. R. Wend. vol. iv. p. 81.

[4] *Close Rolls*, vol. i pp. 506-507 b.

[5] *Ann. Dunst.*, p. 79.

[6] He was at Oxford on 11th August, *Close Rolls*, vol. i. p. 507, and at the Tower on 13th August, *Pat. Rolls*, vol. i. p. 338.

1222 — leaders. Constantine boldly answered for himself, asserting that he "would give a warrant" for his action, and openly expressing regret that he "had done less than rightly should have been done."[1] His boast of a warrant was disquieting; for in the midst of the attack on Westminster he had shouted aloud "Montjoie! Montjoie! God and our lord Louis be our aid!" and his nephew and another citizen, Geoffrey by name, had echoed the cry.[2] Hubert had taken the precaution to bring with him to the Tower a band of men-at-arms under the command of Falkes. He caused Constantine, his nephew, and Geoffrey to be imprisoned for the night; next morning, by his order, Falkes and his men secretly led them out to be hanged. Constantine, when he found a rope round his neck, offered fifteen thousand marks for his life, but in vain; "You will stir up no more seditions in the King's city," was the grim reply of Falkes.[3] Having thus got the execution over without the citizens' knowledge, Hubert rode with Falkes and his soldiers through the city, seized as many as he could of those who had been concerned in the riot, flung them into prison, caused their hands or their feet to be cut off, and then let them go; the rest were so terrified by this severity that many "fled never to return." The hapless mayor and aldermen who had been incapable of controlling the populace under their charge were deposed; the city had to give hostages for its good behaviour, and was only after long deliberation on the part of the Council admitted to reconciliation with the Crown on payment of a heavy fine.[4] Hubert's drastic measures were effectual in preventing further disturbance in the capital; but of course "it seemed to some persons," as a chronicler says, that Constantine had been tried and executed "more hastily than was fitting."[5]

In Aquitaine the respite from trouble won by the diplomacy of Pandulf at the beginning of 1222 lasted through the summer. A safe-conduct to the count of La Marche to come and speak with the King in England was issued in June,[1] and another in August.[2] He was evidently thought to be really coming this time, for the Bishop of Winchester was sent across the sea to meet and escort him;[3] but he did not come. The sentence of excommunication issued against him two years before had never yet been published, but it had never been withdrawn, and the Pope seems to have now directed his commissioners, the Bishops of Saintes and Limoges and the Dean of Bordeaux, to publish it on S. Andrew's day. The royal Council, however, shrank from driving Hugh to extremity; and early in November they sent Philip of Aubigné and the Abbot of Boxley to make another effort for a peaceful settlement with him and Isabel, and begged the papal commissioners to give him a further respite till the result of these negotiations should appear.[4] Meanwhile the new seneschal of Poitou had taken up his task with a firm and vigorous hand; but he was hampered by the want of money, like his predecessors, and also by the hostility of the towns, which disliked him doubly because he was not only a baron of considerable social and political importance in the land, but also a man of independent character and determined will. He stuck to his post for ten or eleven months, and then, in September or October, went to England. A full discussion of Aquitanian politics and administration seems to have taken place between him and the royal Council, in the presence of representatives from La Rochelle, Niort, S. Jean d'Angély, Bordeaux, the viscount of Thouars, and possibly some other towns and barons; a whole bundle of letters patent and close, issued in consequence of these deliberations, indicate that the Council, conscious of having at last secured a fit man as governor, was now ready to give him all the moral support in its power.[5] Unluckily it had little other 1222

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[1] R. Wend., vol. iv. p. 81. Cf. *Ann. Dunst.*, p. 79.

[2] M. Paris, *Hist. Angl.*, vol. ii. pp. 251, 252.

[3] Cf. R. Wend., vol. iv. p. 79, and M. Paris, *l.c.*

[4] R. Wend., vol. iv. p. 82; cf. *Ann. Dunst.*, *l.c.*, *Ann. Waverley*, a. 1222 —an entry made before the matter was finally settled—and for the hostages, *Close Rolls*, vol. i. pp. 517, 569.

[5] *Ann. Wav.*, a. 1222.

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[1] *Pat. Rolls*, vol. i. p. 334, 15th June; term, Michaelmas.

[2] *Ib.* p. 339, 23rd August; term unlimited.

[3] *Foedera*, I. i. pp. 167, 168, 27th August.

[4] *Pat. Rolls*, vol. i. p. 389.

[5] *Close Rolls*, vol. i. pp. 525, 525 b, *Pat. Rolls*, vol. i. p. 353, *Roy. Lett.*, vol. i. pp. 189-196, 206.

1223 support to give him. It was not till February (1223) that Philip d'Aubigné and his fellow commissioner succeeded in coming to any agreement with Hugh of Lusignan; and then the result of their labours was merely another truce, to last till 1st August.[1] Four more months passed; Hugh and Isabel continued impenitent; so on 25th June the Pope again threatened them with excommunication.[2] Three weeks later, however, an event took place which led to another change in the policy of the English government towards the count of La Marche. This was the death, on 14th July,[3] of King Philip Augustus of France.

When the treaty between Henry and Louis was made, in September, 1217, both parties, as we have seen, bound themselves by oath to certain conditions which are not mentioned in the copies of that treaty which have come down to us. Henry swore to maintain inviolate those liberties of the English barons and people which had served as one of the pretexts for Louis's invasion; Louis swore that he "would do his utmost to induce his father to restore the English King to all his rights in the parts beyond the sea."[4] Naturally the English Council construed this as binding Louis, if the restoration were not effected in his father's lifetime, to make it himself as soon as it was in his own power. They at once took the matter up with a high hand. Pandulf, now Bishop of Norwich,[5] urged the Pope to forbid that any one should crown Louis until the promised restitution to Henry was made.[6] The Archbishop of Canterbury and the Bishops of London and Salisbury undertook the double duty of presenting to Louis himself a formal demand for the fulfilment of his promise, and to the Archbishop of Reims a protest against his coronation if the demand were not at once satisfied.[1] Letters patent had already been issued in the King's name to the barons, knights, and good men of Normandy, calling on them to return to their allegiance, "since the opportunity is now at hand," and promising, if they did so, restitution to each man, according to his rights, of the lands in England which they lost when the King's father lost Normandy, and such further rewards as their service should deserve.[2] Preparations were made for collecting a fleet; all ships coming into English ports were ordered to be seized, emptied of their contents (which were to be stored up safely for return to the owners), and sent to Portsmouth for the King's service.[3] The Forest districts of the southern counties were bidden to send to Porchester large supplies of "hurdles for the ships," [4] and on 9th August the barons of the Cinque Ports were summoned to come to Portsmouth "with the whole service which they owe to the King, and with their ships, with the first favourable wind, to go with the King in his service." [5] 1223

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[1] *Pat. Rolls*, vol. i. p. 366.

[2] *Foedera*, I. i. p. 169.

[3] Petit-Dutaillis, p. 219.

[4] See above, p. 59.

[5] He had been consecrated by the Pope on 29th May, 1222; *Ann. Wav. ad ann.*

[6] "Pandulfus Norwicensis episcopus adversus eum [Ludovicum] sedem apostolicam appellavit, ne quis ei coronam Franciae imponeret nisi prius Normanniam regi Anglorum restitueret, sicut super sancta juraverat quando dicto regi reconciliatus fuerat post guerram in partibus Anglicanis." *Ann. Dunst.*, a. 1223, p. 81.

All this was a practical defiance of Louis. But to set Louis at defiance without endeavouring to secure the adherence, or at any rate the neutrality, of La Marche and Angoulême would have been simply to court defeat. Two days before the King's truce with Hugh expired, therefore, two of the places in dispute between Hugh and the King—the city of Saintes and the castle of Merpins—with the town of Cognac and the castle of Belmont, were committed to Hugh to hold "till the King's coming of age," "as he held them on the Saturday before the feast of S. Peter in Chains" in the preceding year; two envoys (of whom one was Geoffrey de Neville) were despatched to take security from him "for his good and faithful service, and that he would faithfully do his utmost to advance the King's interest and procure his honour

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[1] *Ann. Dunst.*, p. 81; R. Wend., vol. iv. p. 86; cf. R. Coggeshall, p. 197. The letters accrediting the three prelates to the French Primate and to Louis were issued on 28th July; *Pat. Rolls*, vol. i. p. 406; cf. *Close Rolls*, vol. i. p. 556.

[2] *Pat. Rolls*, *l.c.*, 23rd July.

[3] *Close Rolls*, vol. i. pp. 569 b, 570, 27th July and 1st August.

[4] *Ib.* pp. 556 b, 557, 570, 1st August.

[5] *Pat. Rolls*, vol. i. p. 380.

1223 till the term before mentioned";[1] and on 4th August the — holder of the papal mandate for Hugh's excommunication was desired to deal with it only as the same two envoys should direct.[2]

Contrary winds detained Archbishop Stephen and his fellow-ambassadors in England[3] for more than a week. When they reached the French court, Louis was already crowned.[4] He seems to have declined to make any immediate answer to their demands, and adjourned the matter to the octave of All Saints.[5] The delay was probably not unwelcome to Henry's counsellors, who at that moment had their hands full with a Welsh war. The pacification at Shrewsbury in July, 1221, seems to have been followed by an unusually long period of comparative tranquillity on the Marches of Wales. It was probably this condition of affairs which, when it had lasted for sixteen months, encouraged the King's representatives to venture on what looks like a very bold step in the prosecution of their schemes for asserting the royal authority
1222 over the castles. On 11th November, 1222, the Earl Marshal was informed by letter patent that "as the castle of Caerleon with its appurtenances, which is in your hand, ought to be held of us in chief, it is provided by our common council that that castle shall be delivered into our hand; and therefore we strictly command that you, without delay or excuse, surrender that castle with its appurtenances to us, and afterwards we will cause full justice to be done in our court to you and to any others who may have aught to say about it."[6] For this demand it is hardly possible to conceive any motive save one: a desire to obtain from the Marshal, by way of example and precedent, a practical acknowledgement

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[1] *Pat. Rolls*, vol. i. p. 379, 30th July. [2] *Ib.* p. 380. [3] *Ann. Dunst.*, p. 81.

[4] He was crowned on 6th August; *Ann. Wav.*, a. 1223.

[5] This is Ralf of Coggeshall's account of Louis's reply: "Coronatus antequam nuncii praedicti ad eum pervenirent, de tali petitione responsum dare distulit, inducias petens de responso usque ad octabas Omnium Sanctorum," p. 197. Roger of Wendover (vol. iv. p. 86) and the *Ann. Dunst.* (p. 82) represent Louis as giving an answer which must, it would seem, have put an end to all further hope of agreement, and which I therefore think must really have been made not to the bishops who went to him in August, but to another set of episcopal envoys who went in October, as will be seen later.

[6] *Pat. Rolls*, vol. i. p. 352.

of the King's right to take into his own hands, when he pleased, a castle held of the Crown not merely in custody, but in fee. If, however, this was the purpose the Council had in view, they were ill-advised in their choice of a time for making the demand ; the Marshal, if not already in Ireland, was on the point of setting out to spend the winter there.[1] Possibly the King's letter never reached him ; if it did, he had a fair excuse for not acting upon it till his return. A second letter, written on 26th January, 1223, desired him to surrender Caerleon before the close of Easter "because we do not deem it advisable that you should hold it beyond that term."[2] But when he came back, in Passion Week, the Welsh March was in turmoil from one end to the other, and the Council were only too glad to make the utmost possible use of his ready co-operation in restoring the English supremacy in South Wales. Such a moment was clearly inopportune for taking an important border stronghold out of the hands of a defender at once so capable and so loyal ; and more than three years passed away before the King ventured to renew his demand. 1222 — 1223

Llywelyn had taken advantage of the Marshal's absence to organize an attack on the English border. Early in 1223 he besieged, took, and utterly destroyed two castles in Shropshire, Kinnerley and Whittington.[3] The Justiciar, taking the King

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[1] Cf. *Brut*, a. 1222, p. 311, and *Ann. Dunst.*, a. 1223, p. 82.

[2] "Quia non habemus consilium quod illud ultra terminum praedictum teneatis." *Pat. Rolls*, vol. i. p. 363.

[3] "Leulinus vero interea duo castra sita in margia North Walliae, quae fuerunt Fulconis filii Warini, funditus destruxit," *Ann. Dunst.*, *l.c.* That this account of Llywelyn's doings in the winter of 1222-1223 is correct, and that the two castles were Kinnerley and Whittington, appears from the Rolls, though the same writer's story (*ib.*) of a war which he represents as immediately preceding the Marshal's visit to Ireland is surely nothing but a distorted version of the events of 1220: "Eadem tempestate Leulinus, regulorum Gualliae major, regis Angliae sororius, petiit a rege Angliae auxilium ut quaedam castra per Walenses injuste regno Angliae subtracta posset in statum debitum restituere. Habito vero auxilio, dicta castra cepit et destruxit et terram ipsam sibi retinuit." Cf. above, p. 161. Roger of Wendover (vol. iv. p. 85) also confuses the Welsh war of 1220 with that of 1223, and has added some further confusions of his own. The Dunstable writer is not quite exact in his account of the ownership of the two castles really taken in 1223; according to *Close Rolls*, vol. i. pp. 554 and 569, Whittington belonged to Fulk FitzWarine, Kinnerley to Baldwin of Hodnet.

1223 — with him, went at the beginning of March to Shrewsbury, seemingly to demand or compel satisfaction from Llywelyn. The Earl of Chester came forward as mediator, offering himself as surety for Llywelyn's compliance with the demand within a given time; and the intended punitive attack on Wales was suspended accordingly.[1] But meanwhile tidings of Llywelyn's outbreak had reached the Marshal in Ireland, and in the middle of April[2] he "came up to land" somewhere in South Wales "with a vast fleet," carrying "a multitude of cavalry and infantry."[3] Hubert seems to have expected his arrival, and sent a messenger to meet him with a request that he would keep truce with Llywelyn for another fortnight, in the hope that Llywelyn might yet fulfill the promise made for him by Chester, although the time fixed for its fulfilment had already expired.[4] The delay proved useless; and on Easter Monday (24 April) Earl William marched upon Cardigan. "On that day the castle was delivered to him, and on the Wednesday following he drew to Caermarthen, and obtained that castle also."[5] Llywelyn, on hearing what had occurred, sent his son Gruffudd "with a very numerous army to oppose the Earl"; they met at Kidwelly and fought "for the greater part of the day"; Gruffudd seems to have been worsted, and "for lack of provision returned back to his country."[1] 1223 —

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[1] *Ann. Dunst.*, p. 82. The court was at Shrewsbury on 7th March, and at Bridgenorth on 10th March; thence it moved southward along the border to Worcester, Gloucester, and Bristol, and back through Wiltshire to London. *Close Rolls*, vol. i. pp. 536 b-538 b; *Pat. Rolls*, vol. i. pp. 367-369.

[2] "About Palm Sunday" (16th April), *Brut*, p. 313; "in hebdomada Passionis," *Ann. Dunst.*, *l.c.* If this latter writer is correct in his statement about the fifteen days' truce, and if the *Brut* is correct in its date for the taking of Cardigan—Easter Monday (24th April)—the Marshal must have landed not a day later than the Monday in Passion week, 10th April, and have been met on the spot by a King's messenger sent to await his arrival.

[3] *Brut*, *l.c.*; the Dunstable annalist says "cum multis millibus populorum."

[4] *Ann. Dunst.*, *l.c.*

[5] *Brut*, p. 313. Roger of Wendover's account of the war between the Marshal and Llywelyn in 1223 is as follows: "Eodem anno, dum Willelmus Marescallus comes Penbroc fuit in Hibernia, Loelinus rex Walensium in manu forti cepit duo castella praedicti Willelmi, et omnes quos in eis invenit capitibus privari fecit, et impositis in eisdem castellis Walensibus suis, recessit. Sed cum post dies paucos ad notitiam praedicti Marescalli res gesta pervolasset, rediit cum festinatione in Angliam; exercitu magno congregato, castella praedicta obsedit et cepit; et quia Loelinus prius omnes homines Marescalli quos in castellis ceperat capitibus amputatis interfecerat, Willelmus Marescallus Walensibus talionem reddens eorum capita detruncari fecit; et deinde ad majorem vindictam terram Loelini hostiliter ingressus igne et ferro quaequae sibi obvia devastavit" (vol. iv. pp. 84, 85). There seems to be a double, or rather triple, confusion here. It was not in 1223 but in 1220 that Llywelyn took two castles which belonged to

The Marshal hereupon busied himself with the repair of Caermarthen castle[2] till at the end of May a royal letter patent bade him, "forasmuch as it is determined by our Council that the castles of Caermarthen and Cardigan, which you have taken, should be retained in our own hand," deliver both places to Robert de Vaux to hold during the King's pleasure.[3] Llywelyn had certainly proved himself utterly undeserving of the confidence in his loyalty which had induced the regent Earl Marshal to entrust him with the custody of these two important strongholds; and if the regent's son was not actually commissioned by the Council to recover them by force, it could at any rate have no scruples in approving his action and reaping its fruit for the benefit of the Crown. A day in July was next appointed for Llywelyn and the Marshal to lay their mutual complaints before the King and Council. The meeting took place at Ludlow, seemingly between 6th and 10th July,[4] but the parties "could not be reconciled."[5] The Council had apparently not expected a reconciliation, and had come prepared for war. On the 11th the sheriffs of Devon and Herefordshire were bidden to take care that no men of their respective shires should send (by sea in the case of Devon), any supplies to, or hold any

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the Marshal (see above, p. 161). The two castles which he took in 1223 belonged not to the Marshal but to Fulk FitzWarine and Baldwin of Hodnet respectively (see above, p. 191 note 3); and the two castles which the Marshal captured on his return were not the same ("praedicta castella") which Llywelyn had taken on either of these two occasions, for they were Cardigan and Caermarthen, of which Llewelyn had been legal custodian—"the person who had the custody of the castles on the part of the King," as the *Brut* puts it (*l.c.*)—ever since 1218. The cutting off the prisoners' heads is doubtful, especially on the side of the Marshal, because the Welsh chronicles would have been almost certain to mention such an act on his part if it really took place, and they give no hint of any such thing.

[1] *Brut*, p. 313. [2] *Ib.* [3] *Pat. Rolls*, vol. i. pp. 373, 374.

[4] Cf. *Brut*, p. 315, the safe-conducts to Llywelyn in *Pat. Rolls*, vol. i. pp. 406 and 376, and the movements of the court as shewn *ib.* and in *Close Rolls*, vol. i. pp. 553 b-555.

[5] *Brut*, *l.c.*

1223 communication with, Llywelyn and his Welsh adherents, but that all merchants and markets should follow the King's army to South Wales, "that is, to our lands of Caermarthen and Cardigan, and to the lands of our faithful Earl William the Marshal."[1] An effort was made to detach the Welsh of Deheubarth and Powys from obedience to their North-Welsh lord; the Earls of Pembroke and Salisbury were empowered to receive into the King's grace "all the Welsh of South Wales who would return to the King's fealty and service";[2] the sons of Gwenwynwyn of Powys, who since Gwenwynwyn's death in 1216 had been living in England as wards or prisoners of the Crown, and were now in Bridgenorth castle under the care or in the custody of Earl Ranulf of Chester, were brought to the King's court at Gloucester, and all men of the lands which had belonged to their father were invited to "come to the sons of Gwenwynwyn and to the King's fealty and peace";[3] a host of English barons and knights marched into Wales under the command of the Marshal and his friend Longsword.[4]

The King and the Justiciar were recalled to London, partly, no doubt, by the weighty news from France, and partly by the necessity of receiving the titular King of Jerusalem, John of Brienne, who was travelling through western Europe to collect forces and funds for the recovery of his kingdom from the Turks. An "aid for the Holy Land," of three marks from every earl, one mark from every baron, twelve pence from every knight, and one penny from every free tiller of the soil and every free man who had no land, but had chattels to the value of half a mark, had been agreed upon by the great Council of the realm in 1222,[5] but had never been collected.[6] No Christian sovereign, however, could evade the duty of giving at least a personal welcome, even if he gave nothing more, to the successor of Godfrey of Bouillon. John seems to have crossed from France to England at the end of August.[1] On 1st or 2nd September the English King and Primate received him "solemnly and with great honours" at Canterbury, and escorted him to London.[2] His visit was a brief one, and the hospitality which he received in England was probably amply requited by the gift of four large sapphires—"than which we never saw finer," says Matthew Paris—which he, "out of his innate munificence," on his way back offered at the shrine of S. Thomas at Canterbury.[3] 1223

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[1] *Close Rolls*, vol. i. p. 569 b.

[2] *Pat. Rolls*, vol. i. p. 377, 13th July.

[3] *Ib.* pp. 378, 379, 13th and 19th July.

[4] See the list of protections for those who are "in exercitu nostro in partibus Walliae cum W. comite Sarresburiae et comite W. Marescallo," *ib.* p. 407, 13th July; and of those who are entitled to scutage from their tenants to support them on the same expedition, *Close Rolls*, vol. i. pp. 570 b, 571, 10th August.

[5] *Close Rolls*, vol. i. pp. 516 b, 567, 567 b, 25th June and 24th November, 1222.

[6] *Ann. Wav.*, a. 1222.

As soon as their royal guest was gone, King and Justiciar hurried back to the Welsh border. The English host under the Marshal and the Earl of Salisbury had apparently set out with the intention of joining the Marshal's other forces in Pembrokeshire. It was caught by Gruffudd in one of the intricate passes of the Welsh hills, and narrowly escaped destruction,[4] but it seems to have cut its way through; and the Marshal set to work to fortify "the lands which he occupied,"—that is, doubtless, the districts of Caermarthen and Gower—by founding new castles and repairing old ones.[5] Llywelyn's next diversion was to lay siege, early in September,[6] to Reginald de Breuse's castle of Builth, with

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[1] M. Paris, *Hist. Angl.*, vol. ii. p. 259, says "circa octabas Apostolorum Petri et Pauli," but the Close Rolls, vol. i. p. 559, shew this to be much too early.

[2] Cf. *Ann. Dunst.*, p. 85, and *Close Rolls*, vol. i. pp. 562, 563 b, which shew that Henry was at Canterbury 1st and 2nd September, at Rochester 5th September, and at Westminster 6th-13th September, and that on the 9th thirty pounds were paid to Philip of Aubigné "ad expensas Regis Jerusalem adquietandas factas apud Londoniam in festo Nativitatis B. Mariae.

[3] M. Paris, *l.c.* p. 260. The *Ann. Dunst.*, p. 85, say: "Ideo munera pauciora data sunt illi quia dissuasit regi Franciae jura regis Angliae reformari."

[4] Cf. *Ann. Dunst.*, p. 83, and *Brut*, p. 315. The *Brut's* version of this expedition is that "the Earl [Marshal] designed through the aid of Earl Ferrers and Henry Pictot lord of Ewias to proceed through the territory of the prince to his own country; but he was not able, because Llywelyn had sent his son Gruffudd and a large army . . . to Carnwyllon to intercept the Earl and his men, and there was he slain"!

[5] *Ann. Dunst.*, *l.c.*

[6] "Circa Nativitatem B. Mariae," R. Wend., vol. iv. p. 71. Roger has here again mixed up the events of 1223 with those of an earlier year; he puts the whole affair of Builth and Montgomery in 1221, but it certainly belongs to 1223.

1223 such a numerous force that Reginald immediately applied to the Crown for help.[1] On 12th September the host was summoned to meet the King "with all haste" at Gloucester,[2] and march with him to the relief of Builth. The expedition probably set out from Hereford on the 19th or 20th. Its mere approach sufficed to raise the siege; on the 23rd King and Justiciar were back at Hereford.[3]

It was not the first time, nor was it to be the last, that the Welsh fled before Hubert de Burgh. He now led the King and the host from Hereford to Leominster and Shrewsbury, and thence, on the last day of September, to Montgomery,[4] passing through Llywelyn's lands and driving the flocks and herds before them as they went, to serve for the sustenance of the troops. The castle of Montgomery, originally built by one of the most famous of the followers of William the Conqueror, had been more than once destroyed by the Welsh. Its site, which had sufficed for the simple Norman keep reared by the first Earl of Shrewsbury, was probably not suited for more elaborate fortifications such as were used in the thirteenth century; it served, however, to shelter the King and the Justiciar; and some of "the wiser men of the army," while scouring the country around it under Hubert's orders, found "a place fit for building a castle whose position, everyone thought, would be impregnable."[5] Urgent orders were despatched to the sheriff of Shropshire for an immediate supply of building materials and tools, and the work was begun at once.[6] Meanwhile Llywelyn had been excommunicated by Archbishop Stephen. On 7th or 8th October, at Montgomery, the Prince once more came and made submission to King and Primate, Stephen dictating the terms.

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[1] R. Wend., vol. iv. pp. 71, 72.

[2] *Foedera*, I. i. p. 170.

[3] "Rex autem, qui suis magnatibus deesse non debuit, cum exercitu magno illuc tendens, fugientibus ex more Wallensibus, obsidionem amovit," R. Wend., vol. iv. p. 72. We have no record of the King's movements between 15th September, when he was at Windsor, and 19th September, when he was at Hereford. On the 20th he was at "Brenles"; the next two days are blank; on the 23rd he was at Hereford again, on the 26th at Leominster, and on the 29th at Shrewsbury, *Close Rolls* vol. i. pp. 564, 564 b.

[4] *Close Rolls*, vol. i. p. 564 b.

[5] R. Wend., *l.c.*

[6] *Close Rolls*, vol. i. pp. 564 b, 565.

Llywelyn swore that within a reasonable time, to be fixed by the Archbishop, and in a fitting place, he would make satisfaction to the King and the King's men for all damages done by himself and his men since the day of the taking of Kinnerley. Six lesser Welsh chieftains swore with him; each of the seven embodied his engagement in a charter; and on these conditions Llywelyn was absolved.[1] Moreover, he at once gave the King seisin of Kinnerley and Whittington, that he might restore them to their former owners; and Henry gave back to Llywelyn and his men seisin of all that they had held in fee on the day of the capture of Kinnerley, subject to a trial of counterclaims at the date fixed for Llywelyn's promised satisfaction[2]—that date being Candlemas, 1224.[3] This conditional restitution of course did not include Cardigan and Caermarthen, which Llywelyn had held merely as custodian for the Crown. On 7th November these two castles were committed to the only man in whose keeping they were likely to be safe—the Earl Marshal.[4] 1223

The time fixed by Louis for answering Henry's demand for the restoration of his continental heritage had now come. On 10th October an embassy consisting of Bishops Pandulf of Norwich and John of Ely, Philip d'Aubigné, and Richard de Rivers, had been accredited to France to receive Louis's reply, and to treat with him concerning a prolongation of the truce,[5] which would expire in April, 1224. These envoys met with a very unfavourable reception. Louis declared that the whole continental possessions of the Angevin house had been by a legal judgement escheated to the French Crown;[6] that they were therefore his by right—a right which, he added, he was prepared to prove in his own court, if the King of England would come and submit to its judgement; and that moreover the agreement to which he had sworn in England was no longer binding upon him, inasmuch as it had been doubly broken on the English side, first by the exaction of heavy ransoms from his partisans who had been

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[1] *Pat. Rolls*, vol. i. p. 411, 8th October.

[2] *Ib.* pp. 411, 481. Cf. *Ann. Dunst.*, p. 83.

[3] *Close Rolls*, vol. i. p. 574 b.

[4] *Pat. Rolls*, vol. i. pp. 413, 414.

[5] *Ib.* p. 412, *Close Rolls*, vol. i. p. 565, R. Coggeshall, p. 197.

[6] R. Coggeshall, *l.c.*, *Ann. Dunst.*, p. 82.

1223 captured at Lincoln, and secondly in that "the liberties of the realm of England, for which the war had been waged and which at his departure had been granted and sworn to by all, had been so dealt with that not only those most evil laws were brought back into use as of old, but others still more wicked were generally established throughout the realm."[1] He wound up his harangue to the envoys with a distinct threat, which he charged them to repeat to those who had sent them: not only would he restore nothing, but he intended, when opportunity should offer, to prosecute his claim to the English Crown, as having been taken from John by a legal sentence and granted by the barons of England to himself.[2] Although the truce had still six months to run, the cry of Constantine Olaveson must have rung ominously in the ears of Hubert de Burgh when the French King's complaints and threats were repeated to him,[3] even if the return of the envoys did not—as it most probably did—coincide with the most alarming outbreak of baronial discontent with which the government had had to deal since Louis left England.

The abolition of the regency before the King attained his majority had inevitably resulted in giving a great increase of power to the Justiciar. Under a sovereign of full age the Justiciar was the King's lieutenant; it was on him that the supreme powers and functions of government temporarily devolved when the King himself was absent from the realm. It followed almost of necessity that when there ceased to be a person specially set apart to exercise those powers and functions for a King under age, they fell into the Justiciar's hands. This result of Pandulf's resignation could not be altogether pleasing to some, at least, of the other members of the Council, or of the magnates outside the Council. It was one thing, first to accept the autocracy of a ruler whom they had unanimously chosen out of their own ranks on the score of his transcendent personal merits, and, afterwards, to yield to the dictates of one who legally represented a power 1223 — acknowledged by all as superior to that of the Crown itself; it was quite another matter to be ruled by Sir Hubert de Burgh, and to be, moreover, confronted with a prospect of being ruled by him till Henry's coming of age—an event which seemed almost as remote as ever, since, the date originally intended for it being past, it was now seemingly regarded as deferred till his twenty-first birthday.[1] Nominally, of course, Hubert governed in concert with his colleagues of the royal Council. But with the control of the executive in his hands, and no authority capable of overriding him nearer than Rome, he was practically master of the Council. There were only two other members of it who could under any circumstances have sufficient weight in themselves to act as a check upon him. Both officially and personally Stephen de Langton was a greater man than Hubert de Burgh. The Archbishop of Canterbury was not only the highest ecclesiastical authority in the land, he was also the first adviser of the Crown; and Archbishop Stephen had long ago proved himself a statesman of a far higher order than any other then living in England. But Stephen had never desired to be a leader in secular affairs; and he seems to have come home in 1221 resolved to take as little direct share in politics as possible. His one recorded public act, for more than two years after his return, was the holding, at Oseney in April, 1222, of a great 1222 Church council[2] for the settlement of ecclesiastical discipline and administration on the basis of a set of canons which he had drawn up and on which the law of the Church of England is grounded to this day. When he did intervene in temporal matters, his character, even more than his office, gave to his intervention a special importance which all parties seem to

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[1] R. Wend., vol. iv. p. 86. See above, p. 190, note 5.

[2] Cf. *Ann. Dunst.*, p. 82 (see above, *l.c.*), and R. Coggeshall, p. 197.

[3] M. Paris, *Chron. Maj.*, vol. iii. pp. 77, 78, and *Hist. Angl.*, vol. ii. p. 257, connect Louis's complaint of the non-observance of treaty and charters with the execution of Constantine.

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[1] This is indicated by an agreement made in 1222 with the Irish King Donell of Thomond that the ferm due from him to the English Crown should be reduced from a hundred and thirty to a hundred marks a year "until our coming of age," in consideration of a fine of two hundred marks; *Pat. Rolls*, vol. i. pp. 336, 337. In other words, Hubert, being in want of ready money for the needs of the state, borrowed from Donell in Henry's name two hundred marks, to be repaid in instalments by the deduction of thirty marks a year from the ferm of Thomond till the repayment should be completed; which would be (roughly) in 1228.

[2] *Ann. Wav.* and *Dunst.*, a. 1222.

1223 have felt and acknowledged. The Bishop of Winchester's position was wholly different. "Peter des Roches was as hard as a rock," said the monks of his cathedral chapter;[1] which seems to imply at any rate that his conduct as a bishop did not err on the side of neglect or laxity in matters of order and discipline. His material benefactions to his church, and the diligence and ability with which he managed the temporal concerns of his see, were indisputable; and there is nothing to indicate that he failed in any of his episcopal duties. But Peter was ambitious of exercising his talents in a wider field than that of diocesan administration; and his talents were great enough to justify his ambition. After his death Matthew Paris declared that "the whole council of the realm of England, royal as well as ecclesiastical, had suffered an irreparable loss" in losing him.[2] Under Pandulf he and Hubert had worked together almost as equals; but before the end of the year 1221 Peter found himself Hubert's subordinate, and found, too, that his chance of regaining at a future time his former influence in matters of state was diminishing day by day; for though the King's ex-tutor retained his seat in the Council, the King had virtually become Hubert's pupil instead of his.

There was only one possible means of altering this state of things: to put Henry into possession, if not of full regal powers, at least of some voice in the government of his own realm, something like a decisive vote in his own Council. If this were done, the Justiciar's supremacy would become dependent on his personal influence over the King's mind; and if it were done quickly, while that mind was still young and tender and had not yet had time to take the mould of Hubert's political teaching, Peter might fairly hope to be more than a match for Hubert. A suggestion that something of this kind should be done seems to have been conveyed to the Pope from England at some time before the middle of April, 1223,[3] and to have been either coupled with, or accompanied or followed by, a request that the Pope would issue some instructions concerning the royal castles. When the result of these two suggestions appeared, the onus of responsibility for it fell upon Hubert; Hubert, however, in later days declared that the Pope's action in the matter had been instigated by the Bishop of Winchester, against the interests of Hubert himself. Meanwhile a number of the magnates had for some time past been murmuring among themselves against the Justiciar, resenting his haughty bearing and his (in their opinion) high-handed judicial decisions in cases where they were concerned, and "saying to one another that he stirred up the King's mind against them, and likewise that he ruled the kingdom by unjust laws."[1] A step which he took at the beginning of 1223 aggravated their resentment and their distrust. On 30th January orders were issued in the King's name for the sheriffs to inquire in full county court, by a sworn jury of twelve knights, what customs and liberties King John had in the shires before the war between him and the barons began; to proclaim the result of the inquest in full county court and cause it to be observed throughout the shires; and to send a report of it to the King at Westminster on 8th May.[2] These orders evidently caused some commotion in the shires, for on 9th April they were significantly modified; the King "by the advice of his faithful men" issued other letters whereby the sheriffs were bidden not to proclaim the royal liberties and customs ascertained by means of the inquest or to enforce their observance, "for the present," and were assured that he "had no will to raise up, or cause to be observed in the realm, any evil customs"; these new letters also were to be read in full shire-court; 1223

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[1] *Ann. Tewkesb.*, a. 1238.

[2] M. Paris, *Chron. Maj.*, vol. iii. p. 490.

[3] Hubert de Burgh in 1239 said "Episcopus Wintoniensis misit Romam W. de S. Albino" [the reporter of his words, a S. Alban's man, made the name "S. Albano," but it was really Saint-Aubin] "pro dicto negotio," *i.e.*, to get the King

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declared of age; *Responsiones*, M. Paris, *Chron. Maj.*, vol. vi. p. 69. If so, Honorius waited a long while before acting on the suggestion; for Master William de St.-Aubin was accredited as the King's proctor at Rome on 25th March, 1222 (*Pat. Rolls*, vol. i. p. 328), and was back in England before 30th October, when he was sent on a mission to Poitou which lasted till the very time at which the Pope's mandates about the majority were issued, April, 1223 (*Close Rolls*, vol. i. pp. 518, 541). Moreover, the letter accrediting William to the Pope is attested not by Peter, but by Hubert.

[1] Cf. R. Wend., vol. iv. p. 88, R. Coggeshall, p. 203, and Louis's assertion quoted above, p. 198.

[2] *Foedera*, I. i. p. 168.

1223 — and the date for the return of the inquest was postponed to 25th June.[1]

By that time some important letters had probably arrived from Rome. On 13th April the Pope had written four letters for England: one addressed jointly to the Bishop of Winchester, the Justiciar, and William Brewer (a well known judge, who seems to have ranked next to Hubert on the Bench); one to the Earl of Chester; one to the vice-chancellor, Ralf de Neville; and one to "the earls, barons, and other faithful subjects" of the English King. In the first of these letters Honorius, having, as he said, heard and rejoiced to hear that Henry, though still a boy in years, was already so much of a man in understanding that he "ought no longer to be debarred from disposing usefully and prudently of his realm and its affairs," laid his commands on the three councillors whom he was addressing that they should henceforth give the young King "free and unfettered disposal of his kingdom, resign to him without any difficulty the lands and castles of his which they held in wardenship, and procure a like resignation of all Crown lands and castles similarly held by other persons."[2] The other three letters began by informing their recipients of the orders issued in the first, as to giving Henry the disposal of his realm; after this the letter to Earl Ranulf conveyed to him individually the same command with regard to his wardenships which in the first letter had been given to its three joint addressees respecting theirs: the third letter bade the vice-chancellor, as custodian of the royal seal, use it henceforth according to the King's good pleasure and in obedience to him only, and permit no more letters to be sealed with it save at his desire; while in the fourth letter the earls, barons, and other liegemen were bidden "henceforth to obey the king humbly and devotedly," and support him "faithfully and firmly against any who might presume to go contrary to him," and they were further warned that in the event of their disobedience to these injunctions they "might justly fear a sentence of excommunication."[1] 1223

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[1] *Close Rolls*, vol. i. p. 569.

[2] "Quodamodo sibi dispositionem regni sui dimittetis liberam et quietam, terras et castra quae tenetis custodiae nomine sine difficultate qualibet resignetis eidem, et resignare procuretis ab aliis qui terras et castra ipsius simili modo tenent."

Honorius thus conferred upon his royal ward the full powers of legal age with respect to the government of his realm in general, and to two things in particular: the custody of royal castles and demesne lands, and the issue of royal letters under the great seal. This definition implied that in some other respects Henry was still to be accounted a minor. Accordingly, the Dunstable annalist tells us that in a great council held in London after the return of the King and the Justiciar from Wales, "it was provided by order of the Pope and assent of the barons, and the provision was published, that the King should have legal age so far as concerns the free disposition of his castles and lands and wardenships, but not so that any one could maintain his right through it in a court of law."[2] Thus Henry was still precluded from making grants in perpetuity.[3]

Shortly after these proceedings in London, two barons of high standing and approved fidelity to the King, Walter de Lacy and Ralf Musard, were called to the court, "and when they got there they were not allowed to withdraw till they had

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[1] See Note VII.

[2] More literally, "not to the point that it [*i.e.* the disposition] could be maintained by any one in a law-suit." I have to thank Mr. R. L. Poole for these renderings of the Dunstable annalist's words (a. 1223, p. 83): "Postmodum vero, regis exercitu recedente, baronibus apud Londoniam convocatis, de mandato domini Papae et assensu baronum provisum est, et provisio publicata, quod ipse rex haberet legitimam aetatem quantum ad liberam dispositionem de castris et terris et gwardiis suis; non autem quoad hoc ut in placito posset ab aliquo communiri."

[3] This is evident from the non-existence of any charters or Charter Rolls of Henry III earlier than January, 1227, after which they begin immediately. See Powicke, *Eng. Hist. Rev.*, vol. xxiii. pp. 221-223. "The clause in italics" (*non autem quoad hoc*, etc., see preceding note) "is important, and defines the meaning of *dispositio.* Henry could now entrust his castles and lands, and the property of his wards, at his own choice, but the declaration of 1218 against permanent grants under the great seal still held good. These grants could not be regarded in a court of law as possessed of the finality allowed to a charter" (*ib.* p. 222). Falkes describes the limitation of the King's powers as follows: "Cum a sede apostolica jussio processisset ut castra, ballia, et caetera quae sunt regis, a cunctis tenentibus redderentur, adjuncta clausula quod rex ipse jam adultus factus non posset compelli habere tutorem vel curatorem, nisi ad causam, invitus." *Querimonia*, W. Cov., vol. ii. p. 261.

1223 — assigned to the Justiciar the castles which they held in custody."[1] Walter de Lacy was hereditary sheriff of Herefordshire and constable of Hereford castle; Ralf Musard was sheriff of Gloucestershire and constable of Gloucester castle. For what purpose or on what grounds the assignation of these two important border fortresses to Hubert was required, we are not told.[2] A considerable party among the barons regarded the proceedings against Lacy and Musard as a flagrant act of injustice and an unwarrantable assumption of power on the part of Hubert. The three men of chief importance among these malcontents, Earls Ranulf of Chester, Gilbert of Gloucester, and William of Aumale, at once resolved to appeal to the young King in person "and show him the malice of the Justiciar,"[3] and, no doubt, urge him to exert his newly acquired right of independent action to put the usurper down. Hubert, however, prevented their design by inducing the King to go with him to the west of England—which, according to Falkes, he did by making the lad believe that the three Earls were plotting to seize him and hold him prisoner—and shut himself up with him in Gloucester castle,[4] where Hubert was now practically master. Thence he sent a message to the Earls in the King's name forbidding them to approach him.[5] They, meanwhile, had been joined by Falkes de Bréauté, Brian de Lisle, Robert de Vipont, John de Lacy, Peter de Maulay, Philip Marc, Engelard de Cigogné, William de Cantelupe and his son, "and many others."[6] In their

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[1] "Justiciarius et complices sui . . . procuraverunt ut duo barones ad curiam regis vocarentur, scilicet Walterus de Lascy et Radulfus Musard, quorum fidelitas pro ipso rege in omnibus fuit approbata, quibus cum accessissent non antea recedere licuit quam castra quae causa custodiae tenebant dicto justitiario assignarent." *Quer. Falc.*, p. 261.

[2] Falkes is our only informant on this transaction; but his story, provokingly laconic as it is, receives some countenance from the Rolls; for they show that on 15th November Lacy was, by a royal letter attested by Hubert and issued on Hubert's motion, ordered to deliver Hereford castle and shire to Ralf FitzNicolas (*Pat. Rolls*, vol. i. p. 414), and that six weeks later the castle was in Hubert's hands (*ib.* p. 419).

[3] *Quer. Falc.*, *l.c.*

[4] *Ib.* Henry and Hubert left London 8th or 9th November, and went by Oxford, Woodstock, and Cirencester to Gloucester, where they were 16th-22nd November; *Close Rolls*, vol. i. pp. 575-576.

[5] *Quer. Falc.*, *l.c.*

[6] Cf. the summons in *Pat. Rolls*, vol. i. pp. 481, 482, and R. Wend., vol. iv. p. 93. Nothing is said of Walter de Lacy or Ralf Musard, whom we should have

fury they made an attempt to surprise the Tower of London. 1223
The attempt failed;[1] possibly its real purpose was only to —
alarm the Justiciar and bring him and the King back to the capital. On 28th November Henry and Hubert were in London again.[2] Their return may have been hastened by the tidings from thence; but it was probably required chiefly for the publication of some further letters from Rome.

At some date prior to November, 1223, Pope Honorius was asked, "on the King's behalf and in his interest," to give orders that Bishop Peter of Winchester, Earl Ranulf of Chester, the Justiciar, and Falkes, should be compelled to surrender into the King's hand the royal castles and other bailiwicks which they held. This request can hardly have proceeded from any of the four persons named, nor from the royal Council as a whole. It seems, indeed, utterly unaccountable; yet we know from the Pope himself that he received it, that he issued the desired mandate, and that thereupon he was asked—also "on the King's behalf"—to quash that mandate, lest it should give occasion to disturbance, since the four men named were all willing to do what was required of them in due season, and no fitter persons could be found to replace them. The Pope, on 20th November, refused to cancel the orders which he had given, "lest he should seem to use lightness," but made their execution dependent on the will of the King.[3] The story of this correspondence is all the more puzzling because at some date which must have been considerably earlier than 20th November—possibly as early as the date of the letters concerning Henry's majority—Honorius seems to have issued a bull by which, if its terms are correctly represented by the writers of the time, all special mandates for compelling individuals to surrender their wardenships were

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expected to find in the malcontents' camp, if they were free to join it. Most likely they were not so; Ralf was, so far as we know, still the responsible custodian of Gloucester castle, where Hubert now had him safe under his own eyes; and a letter close of 16th November shows that Walter was "detained in England in the King's service" (*Close Rolls*, vol. i. p. 575 b)—probably in actual attendance on the King and thus under the surveillance of the Justiciar.

[1] *Ann. Dunst.*, p. 83.

[2] *Close Rolls*, vol. i. p. 576 b. They seem to have taken up their abode in the Tower.

[3] *Roy. Lett.*, vol. i. p. 539.

1223 made superfluous. According to Roger of Wendover, certain "messengers of the King" brought back from Rome a bull addressed to the archbishops of England and their suffragans, commanding that, the King being now recognized as of an age to take the chief part in the ordering of his realm, they should, by apostolic authority, bid all earls, barons, knights, and other persons whatsoever having the custody of castles, honours, and townships belonging to the royal demesne, surrender them to the King at once; and should force recalcitrants to submission by means of ecclesiastical censures.[1] The reference in the Pope's other letters concerning Henry's coming of age to the surrender of Crown castles and lands seems to have been understood, at the time when those letters were published, as intended merely to sanction the oath taken by the barons in May, 1220, and strengthen the hands of the young King whenever he might wish to claim its fulfilment. But the bull to the prelates was, by implication at least, a peremptory order from the Pope for a general surrender of all such wardenships at once. The existence of this bull seems to have been known to some persons in England before the middle of November, but the bull appears not to have been published till the beginning of December.[2] At the council held in London on that occasion Chester and his allies were not present; on the King's return they had withdrawn to Waltham. The Primate approached them with overtures of peace, and on his assurance of their personal safety they, in obedience to a summons in the King's name,[3] came before their sovereign. They unanimously assured him that their action had been directed not against himself, but against Hubert, who, they said, ought to be removed from the administration of affairs, as a waster of the

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[1] R. Wend., vol. iv. pp. 88-89. Cf. *Quer. Falc.*, p. 261, and Note VII.

[2] See Note VII.

[3] Summons to Earls of Chester, Gloucester, and Aumale, John constable of Chester, Robert de Vipont, Falkes, Brian de Lisle, and Engelard de Cigogné, "quod veniatis ad nos apud Gloucestre hac die dominica proxima post festum S. Andreae anno regni nostri octavo [*i.e.*, 3rd Dec., 1223] locuturi nobiscum die Lunae mane apud Hospitale S. Johannis de Clerkenwelle vel apud Novum Templum Londoniae vel alibi ubi de communi consilio melius providerimus." *Pat. Rolls*, vol. i. pp. 481, 482. "Gloucestre" is obviously a scribe's error for "Londoniam."

King's treasure and an oppressor of the people.[1] Hubert, who was of course present, burst out in angry abuse of the Bishop of Winchester, on whom he cast all the blame, calling him a betrayer of King and kingdom, and asserting that his ill-will was the cause of all the evils that had happened in the time of John as well as in that of Henry. Peter retorted that if it should cost him everything he possessed, he would have the Justiciar dragged from power; and with this threat he rose and left the council chamber, followed by the barons of Chester's party.[2] The Primate, however, succeeded in arranging a "truce" whereby further discussion was adjourned to the octave of S. Hilary.[3] 1223

This scene appears to have occurred on 6th December.[4] The Patent Roll records that on the 8th a royal letter was issued "on the motion of the Lord King himself."[5] Two days later still, a change in the testing clause of the King's letters marked the definite recognition of his entrance upon the second stage of his minority. The formula which for several years past had been almost exclusively in use—"Witness Hubert de Burgh, my Justiciar"—disappeared, and was replaced thenceforth by one which had hardly been seen since the very earliest days of the young King's reign—"Witness myself."[6]

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[1] *Ann. Dunst.*, p. 84. Cf. R. Coggeshall, p. 303, and *Quer. Falc.*, p. 261.

[2] *Ann. Dunst.*, *l.c.*

[3] *Quer. Falc.*, pp. 261, 262.

[4] *Ib.*

[5] *Pat. Rolls*, vol. i. p. 417.

[6] *Close Rolls*, vol. i. p. 578. Cf. Powicke, p. 222.

# CHAPTER V

## THE YOUNG KING

### 1223–1227

Aetatem habet ; ipse de se loquatur.

1223 The recognition of Henry's partial coming of age (if such a phrase may be allowed) in December, 1223, re-introduced into English politics and into the government of England a factor which had been absent from them for seven years, but which until John's death had always been, and was again to be for many generations, a factor of great, perhaps we should rather say of the very greatest importance : the character and will of the King. Thenceforth neither the Council as a body, nor any member of it, could do any act in the King's name without consulting him and obtaining his sanction ; nor could they, if the King desired anything to be done which lay within the limits of his regal powers as defined in October, 1223, prevent him from doing it, except by persuading him to give up his desire in deference to their advice. The circumstances by which such abnormal authority had become connected with the justiciarship had ceased to exist ; that office was once more reduced within its proper limits ; and if Hubert now aspired to rule England in Henry's name, the only way in which he could do so was by acquiring and keeping complete personal ascendency over Henry himself. If, however, the papal mandates which brought about this altered condition of things had really been procured by Peter des Roches, in the hope that when Hubert's official importance was thus diminished he himself might regain the foremost

1223 place in his old pupil's confidence and become the chief adviser of the Crown in Hubert's stead, he was doomed to wait a long time for the fulfilment of his hope. Until Henry's final coming of age and for many years after, so far as the King's policy was dictated by any one, it was dictated by Hubert de Burgh. But even during the years which were still to elapse before Henry attained his complete majority, Hubert's dictatorship was very far from absolute. In October, 1223, the King was sixteen years old; he was universally esteemed an intelligent, serious-minded lad; and he had been carefully educated. In later life he did not prove a man of lofty mental capacity or great force of character; but he did prove to possess a will of his own, though it was too often a fitful and a wayward will—precisely the kind of will which may be only too easily influenced, but never entirely directed or controlled, by another person. If Henry's will, at the opening of his seventeenth year and in the first flush of his newly acquired regal independence, had been so utterly dormant as to move only at Hubert's impulsion, he would indeed have been a marvellously degenerate descendant of his Angevin and Norman ancestors. For such an unnatural supposition there is no ground whatever. There is every reason to believe that from December, 1223, onwards Henry, within the limits defined in October, and with the assistance of his Council, although relying mainly on the advice of one member of it, actually governed as well as reigned.

On the breaking up of the council in London the Earl of Chester and his party went to Northampton to concert their plans and muster their forces pending the expiration of the "truce" at the octave of S. Hilary. They removed to Leicester on hearing that the King was coming to hold his Christmas court at Northampton.[1] Sumptuous preparations were made for the festival; the majority of the magnates, as well as the Primate and other bishops, rallied round the King, and there

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[1] *Ann. Dunst.*, p. 84; cf. R. Wend., vol. iv. p. 92. Orders to prepare for the Christmas court at Northampton were issued 9th and 10th December, *Close Rolls*, vol. i. p. 578. The King left London at some date between 12th and 19th December, and was at Northampton on the 23rd; *ib.* pp. 579, 579 b.

1223 — came together "so many earls and barons and knights in arms that neither in the days of the King's father, nor since, was such a festival remembered to have been celebrated in England."[1] 26 Dec. On the day after Christmas the Archbishop and his suffragans put on their albs, lighted their candles, and excommunicated all "disturbers of the King, the realm, and the Church, and invaders of ecclesiastical property."[2] Stephen then sent a message to the discontented barons at Leicester, bidding them come to speak with the King, and warning them that a refusal would place them within the 26-28 Dec. scope of the excommunication just published. Alarmed by this threat, and conscious of the inferiority of their forces, they obeyed the summons.[3] They were brought into the presence of the King, the Primate, and some of the bishops, and the Pope's order for the restitution of the King's property was exhibited to them there. Then the King himself called upon them all to obey it by immediately surrendering the castles and other wardenships which they held for him. For a while they hesitated whether to yield or appeal to the Pope; but another word of warning from the Archbishop decided them, and they agreed to do what was required of them, on condition that the Justiciar and all other holders of royal property should at once do likewise. Stephen answered eagerly, "It is meet that there be such a distribution of castles as shall make all parties equal without scandal."[4] On this a universal surrender was made in legal form by the delivery of a glove or a hat from every individual both of Chester's party and of Hubert's, the two leaders themselves included.[5]

Next day (30th December) new custodians were appointed to twenty-five royal castles. The former castellans thus displaced were thirteen in number. One of them had, before the general surrender, resigned on account of ill-health. Of the remaining twelve, five had been concerned in the recent attempt to oust the Justiciar—Ranulf of Chester, William de Cantelupe, Engelard de Cigogné, Brian de Lisle, and Falkes; the other seven were either neutral, or distinctly of the opposite party—Ralf de Gernon, John Russell, Stephen de Sedgrave, William Brewer, the Bishop of Norwich, the Earl of Salisbury, and the Justiciar himself. Out of the seven royal castles which Hubert had in his charge the only one not transferred to other keeping was the Tower of London, of which the custody was traditionally attached to the justiciarship.[1] On 7th January orders were given for the transfer of three more castles—Winchester, Porchester, and Southampton, all in the custody of Bishop Peter; and on 2nd February the lands of the young heir to the earldom of Devon, and the castles which formed part of them, were committed to a new warden in place of the boy's stepfather, Falkes.[2] The actual displacement of castellans consequent on the surrender of 29th December, 1223, seems to have ended here. By that surrender several royal castles which make no appearance in the Rolls at this time must have been, like the others, placed legally in the King's hands; but he seems to have neither appointed new wardens to them, nor re-committed them to their existing wardens; these latter were simply left in possession, as they had originally been appointed, during the King's pleasure. Even members of the party opposed to Hubert were in this informal way suffered to retain some of their wardenships; Falkes lost—at that moment—only three of the many royal castles which he held;[3] Gloucester, which though assigned to Hubert by Ralf Musard under compulsion in the autumn of 1223 had never passed actually into Hubert's custody, was not taken from Ralf till November, 1225.[4] On the other hand, although only five sheriffs were displaced, their displacement involved the transfer of thirteen shires to other hands, and four of the five men were opponents of Hubert; the fifth, John Russell, was merely removed from Somerset to the joint sheriffdom of Leicestershire and

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[1] *Ann. Dunst.*, p. 84.

[2] R. Wend., vol. iv. p. 92.

[3] Cf. *ib.* and *Quer. Falc.*, p. 262.

[4] *Quer. Falc.*, *l.c.*, "Favore" is surely a misprint or a clerical error for *fervore*.

[5] *Ib.* Cf. R. Wend. vol. iv. p. 93, R. Coggeshall, pp. 203, 204, and *Ann. Dunst.* p. 84; this last gives the date, "quinto die Natalis Domini," *i.e.*, 29th December.

1223 —

1224

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[1] Its commission to Bishop Peter on Louis's withdrawal in 1217 (*Close Rolls*, vol. i. p. 450) was evidently only a temporary measure.

[2] See Note VIII.

[3] *Ib.*

[4] *Pat. Rolls*, vol. ii. p. 71.

1223 Warwickshire, taken from William de Cantelupe. On the same day—30th December, 1223—the Earl of Chester lost the shrievalties of Lancashire, Shropshire, and Staffordshire, and 1224 Falkes lost two out of his seven shires; on 18th January he was deprived of four more, Rutland alone being left to him; and in the interval, on 7th January, Bishop Peter was deprived of the sheriffdom of Hampshire. Considering the recent political alliance between Chester, Cantelupe, and Falkes, and the geographical relation to one another (and also, in the case of Chester's shires, to his own Palatine county and to the Welsh border) of the shires thus taken from them, their dispossession was a reasonable precaution. Bishop Peter's deprivation of his sheriffdom and wardenships may have been likewise dictated by prudence or suspicion; but suspicion, if it existed, was veiled beneath an appearance of courtesy; it was not till a week after the letters had been issued for the displacement of the other sheriffs and castellans that he was called upon to hand over Hampshire and its castles to a brother bishop, Richard of Salisbury.

1223 Fifteen of the other twenty-eight redistributed castles were committed to prelates. Bristol was transferred to its diocesan bishop, Jocelyn of Bath, from Bishop Pandulf of Norwich; the other fourteen had been in the charge of laymen. Jocelyn of Bath was also entrusted with one of these castles, Sherborne; eleven were committed to the bishops (in one case the archbishop) of the dioceses in which they respectively stood; the other two—Windsor and Odiham—to Archbishop Stephen.[1] These appointments, all made on 30th December, 1223, were evidently not meant to be of long duration; their object was to give the King and his advisers time for considering more fully how best to dispose of the castles, of which the greater number would meanwhile be in the keeping of guardians whose neutral position afforded the deprived castellans no ground for jealousy or suspicion. The arrangement seems however to have worked so well that very little modification of it was found necessary for several years. Its author was probably the Archbishop of Canterbury. Throughout the proceedings at Northampton he seems to have acted as spokesman on the King's side; as head of the commission charged with the execution of the papal mandate on which those proceedings were based, he was most likely entrusted by Henry with the conduct of them. Falkes says that immediately after the surrender "the Archbishop, distributing the castles by word of mouth, deprived all the barons alike of their possessions." The letters patent issued next day were no doubt drawn up according to this verbal distribution; but, as we have seen, the actual results were far less sweeping than the words of Falkes imply. A charge of unfair dealing which is brought by Falkes and by another writer of the time against the King and his advisers on this occasion has met with a more ready acceptance than, perhaps, it deserved. "While," says Falkes, "the Earl of Chester and his friends made a real bodily restitution of their castles, the Justiciar and his party held theirs as before."[1] "When the castles were surrendered," says Ralf of Coggeshall, "the King gave back to Hubert his wardenships, the other castellans being deprived of theirs."[2] The evidence of the Rolls on this point is unfortunately very meagre and incomplete; they contain scarcely any information about the royal castles during the next eight years and more. We find, however, in the list of castles held by Hubert at his fall in 1232 only four out of the seven which he had held in 1223: the Tower, Dover, Rochester, and Canterbury.[3] The first seems never to have been taken from him.[4] Rochester was recommitted to him on 26th March, 1225,[5] and Dover not much later, perhaps even earlier.[6] The delivery of Canterbury to the Archbishop may never have been enforced; but it is equally possible that Hubert may not have regained the custody of this castle till after Stephen's death, in 1228.[7] 1223 —

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[1] On all these changes in the custody of castles see Note VIII.

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[1] *Quer. Falc.*, p. 262.

[2] R. Coggeshall, p. 204.

[3] *Pat. Rolls*, vol. ii. p. 496.

[4] Hugh of Windsor, *custos* of the Tower in November, 1224 (*Close Rolls*, vol. ii. p. 8), and Thomas de Blundeville, *custos* in 1225 and 1226 (*ib.* a. 1225-1226 *passim*) were sub-wardens. Cf. *ib.* pp. 33 b, 83 b.

[5] *Pat. Rolls*, vol. i. p. 430.

[6] Hubert was constable of Dover in October, 1225, *Close Rolls*, vol. ii. p. 65.

[7] William Hardres appears as constable of Canterbury castle from Candlemas to Michaelmas 1225, *ib.* p. 46 b; obviously he was a sub-warden, but whether under Stephen or under Hubert there is nothing to show.

1224 This evidence, though not sufficient to determine precisely how much of truth or of error is contained either in Falkes's assertion or in Ralf's, does suffice to show that neither the baron's version of the matter nor the chronicler's is altogether exact.

Some at least of the deprived castellans, however, who had probably hoped for speedy re-instatement, were disappointed at not getting it,[1] and not less disappointed at the failure of the attempt to oust Hubert from the justiciarship. The nobler spirits among the malcontents seem to have fallen back, almost immediately after the surrender at Northampton, upon a more pacific and legitimate expedient for curbing his masterfulness and guarding themselves against the danger of government by "unjust laws." On the octave of Epiphany, when the court reassembled in London, the King "was requested by the Archbishop of Canterbury and other magnates to confirm the liberties and free customs for which war had been waged against his father."[2] The King's *quasi*-majority afforded an obvious occasion for such a request. The Great Charter had been twice renewed in his name, but at a time when he was too young to understand the responsibilities to which it pledged him. Now that he was recognized as "a man in wisdom and understanding," personally answerable for "the disposition of his realm," he might fairly be asked to grant a new confirmation of the Charter, which those who asked for it doubtless hoped would be an end of all strife. It was only natural that on this matter Stephen de Langton should be spokesman; and he spoke urgently, pleading that the King "could not evade doing this, since at the departure of Louis he and all the nobility of the realm with him had sworn that they would all observe, and cause to be observed by all others, the liberties written down aforetime." William Brewer took upon himself to answer for the King: "The liberties which ye ask for ought rightly not to be observed, because they were extorted by violence." "William," exclaimed the Archbishop, "if you loved the King, you would not thus stand in the way of the peace of his realm." Then, says the chronicler, "the King, seeing the Archbishop moved to anger, said: 'These liberties we have all sworn, and what we have sworn we are all bound to observe.'"[1] 1224

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[1] Matthew Paris's assertion "Instillatum quippe fuerat illis in auribus secreto quod si prompta voluntate ea [scil. castra] regi ilico resignassent, statim illis redderet resignata" (*Hist. Angl.*, vol. ii. p. 261) may be taken for what his uncorroborated assertions are usually worth.

[2] R. Wend., vol. iv. pp. 83-84.

With a boy's simplicity the young King had unconsciously passed judgement on the demand which had just been made to him and on the repeated demands for confirmation of the Charters which resound through the history of the next seventy years. He had sworn to maintain the liberties which he was asked to confirm; he was bound by his oath; no amount of repetitions could make that oath any more binding than it was already, and no amount of confirmations could really give any additional security for its observance. But behind the question of confirmation lay, probably, a question of definition. One article, at least, of the Charter as republished in 1217 left a wide field open for contention: the forty-sixth article, which reserved to all the King's subjects "the liberties and free customs which they formerly had." This clause had replaced the one in the Charter of 1216 which reserved for future consideration certain important articles in the Great Charter of 1215.[2] It is probable that what Stephen and the magnates with whom he was acting—whoever these may have been—really wanted was a revision of the Charter, to include the substitution of some definite provisions on these reserved points for the vague saving clause of 1217. If so, William Brewer's attitude must have shewn them that the cleavage of political opinion within the royal Council was too sharp for agreement on the subject to be possible at that moment. For the observance of the Charter as it stood they had the word of the King, and there was no reason to expect that the King would be worse than his word.[3]

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[1] R. Wend., vol. iv. p. 84.

[2] See above, p. 81.

[3] The only authority for this demand for a confirmation of the Charter, Roger of Wendover, places it in 1223. Its true date, however, seems to be 1224. Roger says it took place "in London, on the octave of Epiphany," *i.e.* on 13th January. But in 1223 the court, which had kept Christmas at Oxford (as he says), and thence gone into Wiltshire, Dorset, and Hampshire, did not return to

1224 — Still Chester and his friends persevered in their efforts to undermine the position of the Justiciar; and some of them were equally desirous of undermining that of the Primate. These now despatched two messengers to Rome, ostensibly to report to the Pope on the state of affairs in England. The Archbishop, suspecting mischief, compelled these envoys before they sailed to swear to him and some of his suffragans that they "would attempt nothing prejudicial to the King and the realm"—the actual meaning of the oath being, they were given to understand, that they were not to ask for a legate.[1] This, however, was precisely what they did. Urged one way by their entreaties and another by Stephen's protests and his assurances that no legatine intervention was needed to preserve peace in the land, Honorius at last decided to send not a legate, but merely commissioners; further tidings from England induced him to abandon even this project.[2] At a council in London on 21st–23rd April,[3] the Archbishop with tears implored the barons to agree together in peace for the

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London till 20th or 21st January (*Close Rolls*, vol. i. pp. 527-529). In 1224, on the other hand, the King was at Westminster from 8th January to 26th February (*ib.* pp. 580b-586). Moreover, in January, 1223, there were, so far as can be seen, no circumstances likely to suggest such a demand; but in January, 1224, the suggestion would be obvious. I think that Roger has betrayed at once his own confusion, and how he fell into it, in the words which immediately follow his report of Henry's reply: "Et rex protinus, habito super hoc consilio, misit literas suas ad singulos vicecomites regni, ut per milites duodecim vel legales homines uniuscujusque comitatus per sacramentum facerent inquiri quae fuerunt libertates in Anglia tempore regis Henrici avi sui, et factam inquisitionem apud Londonias mitterent ad regem in quindecim diebus post Pascham" (vol. iv. p. 84). It is clear that the inquisition here spoken of is that ordered on 30th January, 1223 (see above, p. 201), which Roger took to be an inquiry into the ancient liberties of England, instead of (as it really was) into those of the Crown. Thus mistaking its character, he further mistook it for a consequence of the demand for the Charter: a demand which (as I believe) it really preceded by nearly twelve months, and with which its connexion—so far as the two things were connected at all—was quite the reverse of that which Roger implies; the inquest into the royal privileges having been, in all likelihood, one of the provocations which led the barons to ask for a confirmation of their own rights.

[1] *Quer. Falc.*, pp. 262, 263. Cf. *Ann. Dunst.*, p. 89, which gives the names of the envoys, Robert Passelewe and Robert of Kent.

[2] *Roy. Lett.*, vol. i. p. 543.

[3] We arrive at this date by comparing *Quer. Falc.*, *l.c.*, with *Close Rolls*, vol. i. p. 593 b, and vol. ii. p. 72 b; see below, p. 230, note 2.

public good.[1] Chester and all others who had been at strife 1224 with the Justiciar yielded to this appeal; the kiss of peace was given and accepted on both sides, and the King, "willing to forget past injuries," received into his peace and favour all who had offended against him, "hoping," as he wrote to the Pope, "to receive from all and singular such effectual counsel and aid as they in their necessities are entitled to expect from us."[2]

There was urgent need of peace at home; for strife was raging in Ireland, and grave danger was hanging over Poitou. Geoffrey de Marsh had, as we have seen, formally resigned the Justiciarship of the Irish March in October, 1221;[3] but he had contrived to hamper his successor, Archbishop Henry of Dublin, by retaining some at least of the rolls and other records necessary for the Justiciar's official work in his own hands till July, 1222, if not later still.[4] Some months before this the return of Hugh de Lacy gave token of trouble to come. In John's reign Hugh had been Earl of Ulster, and his brother Walter Lord of Meath; both had incurred forfeiture and exile in 1214. Walter's reinstatement had been ordered by John on 6th July, 1215,[5] but Geoffrey de Marsh—who was appointed Justiciar on the same day—never carried out the order; in November, 1221, Archbishop Henry was bidden to do so without further delay.[6] Hugh, driven by the Albigensians from his place of refuge on the Continent, had then recently come under a safe-conduct to England.[7] Thence he seems to have gone into Wales. Some lands which he had held under his brother, and those which formed the dower of his wife, were restored to him on 27th December, 1222.[8] In the spring of 1223 he went to Ireland without the King's leave.[9] There he stirred up so much mischief that in June

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[1] *Quer. Falc.*, p. 263. [2] *Roy. Lett.*, vol. i. p. 225. [3] See above, p. 175.

[4] He was ordered on 18th July, 1222, to give them up to the Archbishop; *Close Rolls*, vol. i. p. 505 b.

[5] *Pat. Rolls Joh.*, p. 148 b. [6] *Close Rolls*, vol. i. p. 479 b.

[7] *Ann. Dunst.*, p. 75; *Pat. Rolls*, vol. i. p. 301, safe-conduct from 17th September to Christmas, 1221.

[8] *Close Rolls*, vol. i. p. 527 b.

[9] Cf. *Roy. Lett.*, vol. i. pp. 183, 184, and *Ann. Dunst.*, p. 85; the latter says he went after the Welsh war—*i.e.* in October or November—but we shall see that he must have gone some time before July.

1224 — the English government, after an ineffectual attempt to induce his brother Walter and the Earls of Chester, Salisbury, and Gloucester to undertake the custody of his lands for five years,[1] deemed it advisable to establish throughout the English dominions in Ireland a new system of provincial government by seneschals who, under the supreme authority of the chief Justiciar, should be "both willing and able to guard against the King's damage, and manfully make war against his enemies when necessity should arise."[2] John Marshal, who in February had been sent as assistant justiciar to help the Archbishop,[3] now received the custody of the territories of Cork, Des, and Desmond, with their castles;[4] Richard de Burgh (Hubert's brother), who already held the honour of Limerick, was named seneschal of Munster and constable of Limerick castle;[5] William de Serland was appointed seneschal of Ulster.[6] Walter de Lacy, who since 1215 had been steadily loyal to the English Crown, was in England; but his men in Ireland gave shelter and support to his rebel brother, under whose command they committed grievous "excesses" on the King's land, harrying and burning, and slaying or putting to ransom the men of the King.[7] In one of his raids Hugh nearly reached Dublin, and the Justiciar-Archbishop, taken at unawares, was forced to buy of him a truce till next summer.[8] Before it expired, a singular compact was made, in the early spring of 1224, between the King and Walter de Lacy. In consideration, on the one hand, of Walter's faithful service, and on the other, of his legal responsibility for the misdoings of the men of Meath, it was agreed that the King should hold one of Walter's English castles and one of his Irish ones—Ludlow and Trim—for two years from Easter (14th April); that Walter should go to Ireland "and fight to the uttermost of his power, with the

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[1] *Close Rolls*, vol. i. p. 549 b.

[2] *Pat. Rolls*, vol. i. p. 375, 5th June, 1223.

[3] *Ib.* p. 365.

[4] *Ib.* p. 374, 3rd June.

[5] *Ib.* p. 375, 5th June. This letter seems, however, not to have been despatched; the appointment is repeated on 10th September, 1224, and again on 12th May, 1225 (*ib.* pp. 470 and 526).

[6] *Ib.* p. 378, 18th July, 1223.

[7] *Ib.* p. 483.

[8] *Ann. Dunst.*, p. 85.

King's help, against the men who had done these things"; 1224 that when he should have thus won back control over his own lands, the King should hold them for a year and a day, "and after that there shall be done to Walter concerning them whatever the King's court shall decide." Meanwhile Walter was to have free use of Trim castle for the purposes of this war against his own men.[1] The trouble which Hugh had stirred up, however, was evidently felt to require, above all things, the presence in Ireland of a military leader, instead of an ecclesiastic, as the chief representative of the Crown. On 23rd April Earl William of Pembroke and Leinster was married to his promised bride, the King's nine years old sister Eleanor;[2] within a month he sailed for Ireland to enter upon his duties as chief Justiciar in Archbishop Henry's stead.[3]

A yet graver peril than that which disturbed the King's "land of Ireland" was that which threatened his "land of Poitou." The truce with France had just expired on Easter day, 14th April.[4] Ever since the previous October the English government had known, from the lips of Louis himself, that he was only awaiting its expiration to assemble his host for the conquest of Henry's remaining continental territories; yet to meet his attack they seem to have made no preparation, except a final effort to secure the support of Hugh of Lusignan. On 15th January it was proposed to satisfy the claims of Hugh and Isabel by granting to them, in compensation for Isabel's lost dower-lands in Normandy, the Stannaries in Devonshire and the revenues of Aylesbury for four years from the ensuing Easter; for the arrears due to Isabel since her second marriage, three thousand pounds of money of Touraine, to be paid within three years from Easter; and for their claim to Niort, one hundred marks

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[1] *Pat. Rolls*, vol. i. p. 483.

[2] *Contin. Gerv. Cant.*, vol. ii. p. 113. An order for Eleanor to be delivered into the Marshal's custody had been issued on 5th February; *Pat. Rolls*, vol. i. p. 426.

[3] Letters patent of 2nd May, 1224, announce the appointment of the Earl Marshal as Justiciar in Ireland, with power to receive all persons who shall come in within forty days after his arrival there; *ib.* pp. 437, 438.

[4] The *Ann. Dunst.*, p. 86, say "octave of Pentecost," but this is wrong; see above, p. 137.

1224 annually ("although Niort is not worth that sum a year," adds her royal son or his minister) to Isabel for life. If the King of France should invade Poitou within the four years, Hugh was to have "a reasonable aid" for the defence of Henry's land; and in case of Isabel's death Hugh was to keep for the same period the lands which he already held, except what he had "taken in the King's service"[1] and the custody of the castle of Mausy, which had been for some time past in dispute between Henry and Hugh, and which Henry reserved to himself.[2] A modified form of these proposals was accepted by Hugh at the end of March. The annual sum promised in compensation for Niort was doubled; the three thousand pounds Tournois for arrears were to be all paid up at Whitsuntide of the current year; there was no express mention of Mausy, but it was conceded that Hugh and his wife, or the survivor of them, should keep for four years from Easter whatever they were seised of on S. Andrew's day last past; whether this definition would or would not include Mausy does not appear.[3] Hugh was to swear that he would serve the King faithfully; and the Pope was to be requested to enforce, if necessary, the keeping of this agreement.[4] In accordance with it, Hugh was on 8th April asked to seize for Henry, as soon as the truce should be ended, the lands of a certain man "who was with the King of France."[5] About the same time the sheriffs throughout England seem to have been ordered to seize into the King's hand all lands held by Normans and Bretons—meaning, probably, such as had lands on both sides of the sea and were by reason of their continental possessions subjects of the French King. To this order, however, it was soon found advisable to make some considerable exceptions.[1] At the eleventh hour Louis suddenly offered to prolong the truce for ten years.[2] On 28th April—a fortnight after Easter—three envoys were sent from England to speak with him about prolonging it for four years.[3] He seems to have given them an audience, in presence of his Council, on 5th May;[4] but the negotiations were unsuccessful. Louis's proposal had been prompted by a desire to free his hands for another expedition against Toulouse, where the Albigensians were again in the ascendent, and the Pope was anxious for the intervention of the French King.[5] The reason for the English counter-proposal is plain. In a little over four years Henry must needs be acknowledged as of full age in every respect; it was not right that after that time his hands should be tied by an engagement of such importance made while he was still in some sense a minor; if the truce was to be renewed, it must be only until his coming of age. Louis, however, insisted upon ten years or nothing.[6] On 15th May, therefore, Henry by letters patent announced that his truce with France was ended, and bade the chief English seaport towns make their ships ready for service at call, detain all vessels which should enter their harbours, and suffer none which were there to go out without his special leave.[7] 1224

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[1] "Quod cepit occasione servicii nostri."

[2] *Pat. Rolls*, vol. i. p. 422. On Mausy see *ib.* pp. 356, 370, 379.

[3] On 22nd May, 1224, Mausy was in Hugh's hands, *ib.* p. 440; in April, 1223, it seems to have been in Henry's, *ib.* p. 370; to the date of its transfer we have no clue.

[4] *Ib.* pp. 431, 432, 27th March, 1224.

[5] *Close Rolls*, vol. i. p. 592 b. The "truce" here mentioned may be either that between Henry and Louis, or that between Louis and Hugh. Louis had in September, 1223, made a truce with Hugh and one with Almeric of Thouars, both of which expired before May, 1224; Petit-Dutaillis, p. 233, note 2.

It was scarcely conceivable that Louis would make any attempt upon England before he had secured Poitou; we should therefore naturally have supposed that the ships thus collected were required for the transport of troops to assist Savaric de Mauléon in the defence of that country. The only troops actually sent, however, consisted of about a hundred

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[1] *Close Rolls*, vol. i. pp. 593, 593 b, 595. This order for resumption of lands held by aliens is probably what the Bermondsey annalist means by his statement (a. 1224) "Hoc anno Henricus Rex tertius ordinavit et statuit edictum ut omnes alienigenae de regno expellerentur."

[2] *Ann. Dunst.*, p. 86; cf. Petit-Dutaillis, p. 235.

[3] *Pat. Rolls*, vol. i. p. 484.

[4] *Foedera*, I. i. p. 172.

[5] Petit-Dutaillis, p. 235.

[6] *Ann. Dunst.*, *l.c.*

[7] *Pat. Rolls*, vol. i. pp. 483, 484. The towns addressed are the Cinque Ports, Portsmouth, Shoreham, Southampton, Seaford, Poole, Exeter, Bristol, Dartmouth, Norwich, Yarmouth, Orford, Dunwich, Ipswich, Lynn, and Orwell.

1224 knights and an unspecified number of men-at-arms[1] commanded by Richard de Gray and Geoffrey de Neville,[2] and destined to reinforce the garrison of La Rochelle.[3] This force appears to have sailed at the end of May or in the first days of June.[4] It was despatched "by the advice of the magnates of England"[5]—that is, of the council which had been assembled in London for the reconciliation of Hubert and his opponents. That council then dispersed under orders to meet again at Northampton,[6] on the octave of Trinity Sunday,[7] 16th June, "for the purpose"—so Henry himself wrote to the Pope—"of giving us (the King) counsel and rendering us aid for the defence of our land in Poitou."[8] The nature of the proposed "aid" cannot be determined with certainty from the King's words; they might stand either for personal assistance in the field, or monetary aid instead of service, or for both. The question about the obligation of military service beyond sea was still unsettled; and from the expressions used by some writers of the time we should gather that the ostensible purpose for which the barons were summoned to Northampton was merely to concert measures for the preservation of the King's transmarine dominions.[9] It is however scarcely credible that if the King and his ministers really desired to consult further with the barons about this most urgent business, the council actually assembled in London should not have been detained there for that purpose, instead of being dismissed for seven weeks and then reassembled elsewhere in the middle of June to discuss a matter which ought in fact to have passed from the stage of consultation to that of action by the middle of May. According to Falkes, on the other hand, the summons was for a muster of the host in arms.[1] A statement made some years later by Hubert seems to confirm this version of the story,[2] and we shall see from the sequel that the majority, if not all, of the barons went to Northampton attended by their followers in arms. There is, however, reason to believe that, if not in the mind of the young King himself, at least in that of his chief adviser, Poitou was not the real or at any rate the first destination of the host. 1224 —

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[1] "Centum milites et amplius et quamplures servientes," says Hubert de Burgh, *Responsiones*, p. 66.

[2] *Ann. Dunst.*, p. 86; this writer makes the knights only sixty.

[3] *Responsiones*, *l.c.*

[4] *Close Rolls*, vol. i. pp. 599, 601, 602 b; in the last place "primo die *Maii*" seems to be a mistake for *Junii*.

[5] *Responsiones*, p. 66.

[6] *Quer. Falc.*, p. 264.

[7] This date is from Roger of Wendover, vol. iv. p. 94. The Dunstable annalist, *l.c.*, says "octavis Pentecostes"; but on that day—9th June, Trinity Sunday—the King was a long way from Northampton; royal letters are dated at Winchester on 8th and 10th June, at Wallingford on 13th and 15th June, and the court did not reach Northampton till the 16th; *Close Rolls*, vol. i. pp. 604 b, 605.

[8] "Daturi nobis ibidem consilium et auxilium facturi ad defensionem terrae nostrae in Pictavia," *Roy. Lett.*, vol. i. p. 224.

[9] "Convenerunt ad colloquium in octavis Sanctae Trinitatis rex cum archiepiscopis," &c., "de regni negotiis tractaturi; voluit enim rex uti consilio magnatum suorum de terris transmarinis, quas rex Francorum paulatim occupaverat," R. Wend., *l.c.* "Dum rex cum clero et baronibus apud Norhampton de succursu Pictaviae tractaret," *Ann. Dunst.*, *l.c.*

The changes in the custody of royal castles and wardenships ordered early in the year seem to have been effected without serious difficulty or delay, except with regard to one castle,[3] Plympton. The King claimed the custody of Plympton on the ground that it formed part of the honour of Devon, which had belonged to the late Earl William of Devon, or "of the Isle" (of Wight), as he was sometimes called, father of Baldwin de Rivers, whose widow, Margaret, was the wife of Falkes de Bréauté. Falkes and Margaret had been married during Earl William's lifetime, in 1215;[4] but William was very unwilling to give his daughter-in-law and her new husband seisin of the dower-lands to which she was entitled as 1215–1218

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[1] "Cum autem Londoniis post illius simulatae pacis tractatum ordinatum fuisset ut apud Northamptoniam componeretur *exercitus.*" *Quer. Falc.*, p. 264.

[2] "Item de hoc respondeat [Hubertus] quod dum dominus rex fuit infra aetatem et subvenire debuit terrae Pictaviae, et *exercitus suus proficisci deberet in Pictaviam*, fecit ipse comes obsidere castrum Bedfordiae," &c. Hubert in replying to this charge disclaims responsibility for the siege of Bedford, but appears to endorse the statement that "the King's host" which went to that siege ought, or was intended or professedly intended, to have gone to Poitou; *Responsiones*, pp. 66, 67.

[3] On 30th January Brian de Lisle was threatened with pains and penalties if he did not at once hand over Knaresborough (as he had been told on 30th December to do) to the Archbishop of York (*Pat. Rolls*, vol. i. p. 425); and on 13th March Pandulf was urged to delay no longer the delivery (also ordered on 30th December) of Bristol (*ib.* p. 429). As nothing more is heard about either of these fortresses, we may conclude that both custodians obeyed.

[4] M. Paris, *Hist. Angl.*, vol. ii. pp. 170, 171.

Baldwin's widow, and her claims were still unsettled when he died in September, 1217.[1] They were settled at last by the regent Earl Marshal, on 30th March, 1218, when "the honour of Plympton, with the castle of Plympton, and all the land which belonged to the Earl of the Isle in Devonshire," was by royal letter patent granted to Falkes and Margaret
1224 "as the same Margaret's dower."[2] On 16th February, 1224, Henry transferred the custody of the Earl's castles in Hampshire and of all the lands which had been his, "except his lands in Devon and the castle of Plympton," to Waleran the German.[3] So far as we know, Falkes complied with this order. On 13th March he was informed by letter patent that the King had committed Plympton castle ("which," wrote Henry, "was given into your keeping by the elder William Marshal when he was governor of ourself and our realm") to Walter de Falkenberg, and if Falkes were unwilling to deliver it to Walter, he must come to London at Mid-Lent (21st March), and deliver it there to the King in person.[4] Falkes seemingly declined to deliver it at all, on the plea—for which, as has been seen, he had an excellent warrant—that he held it not in custody for the Crown, but as part of his wife's dower. On 21st March the King wrote again, expressing his astonishment that Falkes had not made the expected delivery, and bidding him make it to Walter at once; "for," wrote the King, "we are certain that that castle is the head of the Earl of Devon's honour in Devonshire, and for that reason your wife neither can nor ought to have it in dower. If, however, she has less than she ought to have in dower of the land of her former husband, we will make up what is due to her according to the custom of our realm; but if she has more than she should have, we will have it measured according to justice."[5] The tone of these letters suggests that the King and his advisers, though determined to carry their point, were conscious of having undertaken a somewhat formidable task in committing themselves to a dispute with Falkes.

Seven men and one woman bearing the surname "de

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[1] *Close Rolls*, vol. i. pp. 298 b, 378 b; *Pat. Rolls*, vol. i. p. 90.
[2] *Pat. Rolls*, p. 145. [3] *Ib.* p. 427. [4] *Ib.* p. 430. [5] *Ib.*

Bréauté" occur in the official records of England under John and Henry III. Four at least of the men were brothers or half brothers, and Avice was their sister.[1] A little village near Havre must have been the original home of the family, whose first member to appear in history is Falkes. Several chroniclers tell us that he was a native of Normandy.[2] After his fall his enemies heaped scorn on his origin; he was a "serf" of the King;[3] patronymic he had none;[4] and his singular personal appellation was according to one account not a Christian name, but a nickname derived from "the scythe" (*falx*, *faulx* in the contemporary speech of his native land) "wherewith he had slain a knight in his father's meadow in Normandy."[5] Another writer seems to have thought that it had been given to him—whether at the font or otherwise—in the spirit of prophecy: "He might well be called after the scythe, that is, after an instrument of wholesale destruction."[6] One of the best authorities for the history of John's reign says that the father of Falkes was a Norman knight.[7] In all likelihood he was some small land-owner whose sons, legitimate and other, left their paternal fields and came to England, like the family of Gerard of Athée, because they preferred to live in exile under their hereditary sovereign rather than in their own land under his conqueror.[1] Another statement concerning Falkes which lacks confirmation is that he began life as a domestic servant of the King, in the capacity of "door-keeper."[2] The word used is an ambiguous one; the writer apparently wished his readers to understand by it a mere menial porter; but it would equally well represent a functionary of higher standing in the royal household, whose proper title was that of usher.[3] 1207-1214 In February, 1207, at any rate, Falkes was made keeper of something else than the palace doors—the land of Glamorgan and the honour of Wenlock on the Marches of Wales.[4] When he received this appointment he was a "sergeant," or man-at-arms, "of the King";[5] probably it was on this occasion that John bestowed on him the honour of knighthood.[6] These wardenships were held by Falkes for seven years, and he was also during part of that time constable of Caermarthen, Cardiff, and Gower.[7] Within the important military sphere thus assigned to him he was given the fullest freedom of action; his valour, capability, and honesty were all alike trusted implicitly by the King, who employed him also on other business such as the payment of troops and other persons and the transport of money and treasure both in England and abroad.[8] John, like most of the Angevin counts, was an excellent judge of men, and he had quickly discerned that Falkes, "though little of stature, was very valiant,"[9] and that moreover he was gifted with a versatile capability and a thoroughness which almost matched those of the Angevin house itself. The writers of the time, while denouncing Falkes as "a rod of the Lord's fury"[1] and describing him as a monster of wickedness, unanimously acknowledge that his rise from poverty and obscurity to wealth, rank, and power was due to his conspicuous military talents, his dauntless valour, and the tireless energy and fidelity with which he served his royal master.[2] In January, 1214, on the marriage of the King's cousin Isabel of Gloucester to the Earl of Essex, Glamorgan passed with the rest of the lands appertaining to her honour of Gloucester into the hands of her husband; and at the same time Caermarthen, Cardiff, and Gower were transferred from the keeping of Falkes to that of the Earl Marshal.[3] The King however gave Falkes plenty of occupation and compensation elsewhere. Early in 1215 Falkes was acting as a seneschal or steward of the King's household.[4] Meanwhile, as constable of Wenlock, he still retained the command of an important district on the Welsh March.[5] There he gathered round him a picked band of kinsmen and followers who in 1215 and 1216 proved the most efficient and trustworthy section of the troops that fought for the Crown against the barons and the French invader.[6] It was but natural that his services should be rewarded by the bestowal of large grants of land taken from the King's enemies. This was the only way in which John

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[1] For the relationship between Falkes and William there is abundant evidence. For Nicolas "frater Falkesii" see *Close Rolls*, vol. i. p. 197, *Pat. Rolls Joh.* p. 155 (1215), 183 b (1216); for Colin, *Pat. Rolls Joh.*, p. 155, *Close Rolls*, vol. i. p. 195 (1215), 515 b (1222), *Pat. Rolls Hen. III*, vol. i. p. 458 (1224); for Avice "soror Willelmi de Brealte," *Close Rolls*, vol. i. p. 595 b (1224). Gilbert (*ib.* p. 246, a. 1216, &c.), John (*ib.* pp. 617, a. 1224, and p. 642), and Henry (*Pat. Rolls*, vol. i. p. 461, a. 1224), may have been brothers or more remote kinsmen.

[2] *Hist. Ducs*, p. 173; M. Paris, *Chron. Maj.*, vol. iii. p. 88, *Hist. Angl.*, vol. ii. p. 131; W. Cov., vol. ii. p. 253; R. Coggeshall, p. 204.

[3] "Rex Johannes habuit quendam servum probum et audacem," R. Coggeshall, *l.c.*

[4] *Hist. Ducs* and M. Paris, *ll.cc.*

[5] R. Coggeshall, *l.c.* Unluckily this tale, which sounds so characteristic of its hero, rests on unknown authority, being an interpolation in Ralf's text, and we have no means of judging whether it is derived from contemporary report, or is merely the invention of some imaginative etymologist. The French form of the name is Falkes, Faukes, or Fauques, variously Latinized as Falkesius or Falcasius, sometimes as Falco. It seems to have been a variant of Fulk, Fouques, Fulco, and more probably connected with *falco* than with *falx*.

[6] M. Paris, *Hist. Angl.*, *l.c.* Cf. *Chron. Lanercost*, a. 1224: "Faukes re et nomine."

[7] "Chil Foukes ot este povres sergans au roi; fius fu a un chevalier de Normendie, de soignant; mais puis siervi il tant le roi et tant cru ses afaires que il fu puis uns des riches homes d'Engletiere; petis fu de cors, mais moult fu vaillans." *Hist. Ducs*, *l.c.*

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[1] "Pro meritis a patria sua fugitivus," says Matthew Paris of Falkes (*Hist. Angl.* vol. iii. p. 226). The word *meritis*, though used sarcastically, may be true literally; the "merit" may have been that of loyalty.

[2] "Regis aedituus et minister, ipsi in clientela militans," *ib.* vol. ii. p. 131.

[3] Cf. the case of Peter de Maulay, above, p. 76, note 2.

[4] *Pat. Rolls Joh.*, p. 68 b.

[5] "Faukes serviens domini regis," *l.c.*

[6] "Rex Johannes . . . in militem sublimavit." W. Cov., vol. ii. p. 253.

[7] He was ordered to deliver them to a new constable, the Earl Marshal, in January, 1214; *Pat. Rolls Joh.*, p. 109 b.

[8] See *ib.* pp. 100–199 b *passim*, and *Close Rolls*, vol. i. pp. 119 b, 120 b, 122.

[9] See above, p. 225, note 7.

1214–1216

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[1] "Virga furoris Domini," M. Paris, *Hist. Angl.*, vol. ii. p. 131.

[2] R. Wend., vol. iv. p. 19; R. Coggeshall, p. 205; W. Cov., vol. ii. p. 253.

[3] See above, p. 226, note 7.

[4] "Senescallus regis," *Close Rolls*, vol. i. pp. 190, 191 b, 192 b, March, 1215. This office was shared among several persons; another *senescallus regis* at this time was William de Cantelupe (*ib.* p. 192), who had held the office for many years. Falkes seems to have been also a seneschal or steward of the household of Henry III; see *Close Rolls*, vol. i. pp. 350, 350 b, and *Roy. Lett.*, vol. i. p. 226, where Henry in June or July, 1224, speaks of "officii maximi quod habuit [Falcatius] in curia nostra."

[5] *Close Rolls*, vol. i. p. 214, &c.

[6] R. Coggeshall, p. 204. It is at this time, in 1215, that Nicolas, Colin, Gilbert, and John de Bréauté first appear (see above, p. 225, note 1). Nicolas and Colin were clerks. William, "vadlettus noster"—*i.e.* a page or young squire of the king—had received in July, 1212, a grant of land in Leicestershire previously held by "his uncle, William de Oville," "ad se sustentandum in servicio nostro quamdiu nobis placuerit," *Close Rolls*, vol. i. p. 120.

1215–1224 could furnish him with means to continue those services, and it was also a most effectual way of securing that those lands should not fall back into the hands of the opposite party. The commission of seven shires in Mid-England to his custody as sheriff was a measure of policy, amply justified by its results in the struggle with Louis after John's death, when the garrisons under the command of Falkes formed across the realm a chain which Louis never succeeded in breaking.

In 1215 John bestowed on Falkes the hand of Margaret de Rivers, a grant which should have carried with it the enjoyment of her dower-lands; but this, as has been seen, Margaret and Falkes did not obtain till March, 1218.[1] Then the regent also granted to Falkes, to hold "until the King's coming of age," the custody of the person of Margaret's young son by her first husband, and of all the lands and castles which had belonged to the boy's late grandfather Earl William of Devon and Wight, and to which the boy himself was now heir.[2] Thus throughout the next six years the extensive possessions of the house of Rivers were in Falkes's hands; for practical purposes he represented that great house and was, as a contemporary says, "made equal to an Earl."[3] The other magnates, some of whom seem to have resented the necessity of admitting even Hubert de Burgh to social equality with themselves, naturally resented still more the intrusion into their ranks of one whom they looked upon as a mere upstart stranger. Moreover he came into collision with more than one of them through his autocratic dealing with the lands held by them in the shires under his command; and the violently abusive language in which, when his fiery temper was roused, he railed at some of the greatest men of the land and at the English nation in general, gave almost as much offence as his more substantial misdoings.[4] The clergy and religious orders, especially the monks of the great abbey of S. Alban's—by one of whom later historians, for the most part, have been somewhat unduly influenced in their views of men and things in the reign of John and the early years of Henry—had other reasons for detesting Falkes. Cruelty and rapacity were common, more or less, in all medieval warfare, and the spoiling of churches and monasteries was a form of ill-doing of which neither party in the civil war was altogether guiltless; but in these matters Falkes stood without a peer save John himself. His crowning outrage was committed in 1217, when in the dusk of a January morning he fell suddenly upon S. Alban's, captured and plundered the town, carried off its inhabitants to prison in his own castles, slew a servant of the abbey at the very door of the church, and by a threat of burning down the whole place wrung from the abbot a ransom of a hundred pounds of silver.[1] The spoil, however, went to maintain the soldiers who, if they were the fiercest and most ruthless, were also the most daring and the most uniformly successful troops in the service of the young King. They and their leader played, as we have seen, an important part in the battle of Lincoln; and whatever may have been the personal feelings of Henry's guardians and counsellors towards Falkes, time after time throughout the early years of the minority, when a man of prompt and vigorous action was wanted for some specially awkward or unpleasant piece of work, Falkes was the man on whom they relied, and they never relied on him in vain. It was Falkes who was set to keep the King's uncle from intruding into a royal castle of which he was not the lawful custodian. It was Falkes whom Hubert de Burgh employed to overawe the riotous citizens of London and to rid him of their dangerous leader. In their hearts, however, Hubert and Falkes were rivals, urged to secret mutual jealousy by a characteristic which, unlike as they were in other respects, was common to them both; when once they had risen to power and authority, neither of them was inclined to brook an equal.[2]

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[1] See above, pp. 223, 224.

[2] *Pat. Rolls*, vol. i. p. 145.

[3] "Quem . . . Johannes rex . . . comiti parificavit, donando illi comitissam de Wyth," W. Cov., vol. ii. p. 253; although Margaret never was a countess, since Baldwin de Rivers died before his father.

[4] *Roy. Lett.*, vol. i. pp. 175, 221, 222.

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[1] R. Wend., vol. iv. pp. 10, 11. Cf. M. Paris, *Hist. Angl.*, vol. ii. p. 203.

[2] "[Falco] prosperis successibus undique elevatus, parem in regno habere dedignabatur," R. Coggeshall, p. 205; "cum videret statum suum supro modum subito prosperatum, dedignabatur habere parem; erat enim ei persaepe in operibus frequentibus pro ratione voluntas," W. Cov. vol. ii. p. 253.

1224 Accordingly, Falkes had joined Chester and the other discontented magnates in their effort to rid themselves of the Justiciar; and when that effort had failed, Justiciar, magnates, and King, having none of them any further use for Falkes, joined hands to rid themselves of him.

Three days after the council of reconciliation in London, had dispersed in April, 1224, a charge of capital crime, said to have been committed eight years previously, was laid before the King against Falkes.[1] A writ was at once issued, on 26th April, to the sheriff of Bedfordshire bidding him "at every shire-court call Falkes de Bréauté to stand to right concerning the complaint made against him in that county, of a breach of the King's peace," and if Falkes did not appear, cause him to be outlawed. On 28th May the sheriff was told to call Falkes at his next shire-court, which was to be on the Monday after the octave of Trinity (17th June), as he had previously done, but the outlawry was to be respited till further orders. Two days later (30th May) this respite was countermanded; if on the appointed Monday Falkes did not answer, the sheriff was bidden to outlaw him at once.[2] In Whitsun week, 2nd–8th June, certain of the justices in eyre went to hold pleas of novel disseisin at Dunstable.[3] One of these justices, Henry de Braybroke, had long been at enmity with Falkes's brother William, and now found an opportunity which he was not slow to use against William and Falkes both at once. He deprived William—such at least is Falkes's story—of some of

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[1] *Quer. Falc.*, pp. 263, 264.

[2] *Close Rolls*, vol. ii. pp. 72 b, 73. These three writs are entered on the back of membrane 17 of the Close Roll 9 Hen. III (October, 1224-October, 1225), and thus appear to belong to April-May, 1225; but this cannot be their true date; Falkes was outlawed and out of England long before April, 1225. The scribe has put them on a wrong roll. With the chronological data for the year 1224 they fit in perfectly. Falkes says he was accused to the King "triduo post pacem," *i.e.*, three days after peace was made in London between Hubert and his opponents (cf. above, pp. 216, 217). In 1224 the King was in London, 21st April-26th May (*Close Rolls*, vol. i. pp. 593 b-601; *Pat. Rolls*, vol. i. pp. 436-441). Combining this fact with Falkes's statement and with the writ of 26th April, we see that the "peace" must have been made not earlier than 21st April, and not later than the 23rd. The Monday after the octave of Trinity in that year, 17th June, was the morrow of the day fixed for the re-assembling of the Council at Northampton; see above, p. 222.

[3] *Ann. Dunst.*, p. 90.

1224 his lands and other possessions without trial.[1] He insisted, seemingly without warrant, on the payment by both the brothers of certain dues and arrears which they owed to the Crown.[2] Sixteen pleas of forcible disseisin were brought before him against Falkes; in every case Falkes was convicted, and sentenced to pay a heavy fine.[3]

William de Bréauté was at this time commandant, under his brother Falkes, of the castle of Bedford. After the close of the assizes at Dunstable, on 17th June—the day on which Falkes was to be called for the last time in the Bedford shire-court—Henry de Braybroke, on his way to join the council which had assembled on the previous day at Northampton, was captured by William de Bréauté and carried as a prisoner to Bedford.[4] Some of his companions who escaped capture spread the tidings abroad; his wife hurried to Northampton and laid her complaint before the King and the Council.[5] Every one believed that the Bréauté brothers had plotted the outrage between them;[6] Falkes's account of the matter is that William had acted half in wantonness, half in vengeance, and wholly without the knowledge of Falkes himself.[7] Even if this were so, however, Falkes was legally responsible for the action of his sub-castellan and for a prisoner immured in a castle which was under his charge. Where Falkes was, does not appear. He was clearly not at the county court at Bedford; but as soon as the capture of the judge became known, he hurried to the castle.[8] According

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[1] *Quer. Falc.*, p. 264.

[2] "Accidit autem quod Henricus de Braibroc . . . improbe exigeret a Falcasio et suis quasdam exactiones et reragia quae debebant; ex qua exactionum improbitate commoti violenter ceperunt praedictum," &c. R. Coggeshall, p. 206.

[3] See Note IX.

[4] *Quer. Falc.*, *l.c.*; *Roy. Lett.*, vol. i. pp. 225, 226; W. Cov. vol. ii. p. 253; R. Wend., vol. iv. p. 94; R. Coggeshall, *l.c.*; *Ann. Dunst.*, p. 86. The date is from *Quer. Falc.*, p. 265. The *Contin. Gerv. Cant.*, vol. ii. p. 113, says the capture took place at Huntingdon, which seems geographically impossible.

[5] R. Wend., vol. iv. p. 95.

[6] *Roy. Lett.*, vol. i. p. 226; R. Coggeshall and R. Wend., *ll.cc.*; *Ann. Dunst.*, pp. 86, 90.

[7] *Quer. Falc.*, p. 264.

[8] In the *Querimonia*, *l.c.* we read: "Cujus captio postquam mihi fuerat nunciata, ego apud Northamptoniam propter servitium regis cum aliis baronibus terrae conveneram, ad castrum de Bedeford pro exquirendo fratre meo . . .

1224 — to his own account, his purpose was to set the judge at liberty; but when he reached the castle prisoner and castellan had both disappeared; William had hidden himself and his 18 *June.* captive in the neighbouring Forest of Wabridge. Two knights had meanwhile been despatched with a citation to Falkes to appear at Northampton on the morrow (19th June) and answer to the King in person for the seizure of the judge and for "all other matters which should be brought against him." Falkes hereupon sent, on the 19th, messengers to the Earls of Winchester and Chester, begging that they would endeavour to procure him a day's respite, on the plea that he must first 19 *June.* find his brother. They performed their commission, and the King appeared disposed to grant their request; but the enemies of Falkes determined that forcible steps should be taken that very night;[1] and next morning the whole multitude which had come together at Northampton, King, prelates, barons, knights, and men-at-arms, appeared before the gate of Bedford castle.[2]

The King summoned the garrison to admit him, and to surrender the castle to the Justiciar. William de Bréauté had now returned with his prisoner—if indeed they had ever really been away—but Falkes had disappeared in his turn. William and his knights refused to obey the King's summons without instructions from Falkes, "chiefly because they were not bound by homage or fealty to the King,"[3] and also because Falkes, having taken the Cross,[4] was by a privilege from the Pope entitled, for himself, his lands, and his men, to exemption from molestation by the secular powers.[5] This second plea might probably have carried some weight with the spiritual

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tam cito perveni." But the King, in a letter written a few weeks later, says Falkes refused to come before the Council when summoned to answer for Braybroke's capture, "cum alias teneatur ratione possessionum magnarum et officii maximi quam tenuit in curia nostra" (see above, p. 227 note 4) "ad nos in conciliis nostris venire non vocatus" (*Roy. Lett.*, vol. i. p. 226). This seems to imply that Falkes had not attended the Northampton meeting at all.

[1] *Quer. Falc.*, pp. 264, 265.

[2] Cf. *ib.*, R. Wend., vol. iv. p. 95, and W. Cov., vol. ii. p. 253.

[3] R. Wend., *l.c.* Cf. Hubert's version of all this in *Responsiones*, pp. 67, 68, and the King's in *Roy. Lett.*, *l.c.*; both in substantial agreement with Roger's.

[4] In 1221; see above, p. 180.

[5] *Quer. Falc.*, p. 265.

members of the King's host, had it not been neutralized by the other. Feudal law, as understood on the side of the Channel whence Falkes and his followers had come, recognized liege homage to a mesne lord as a valid ground for disclaiming all duty to a suzerain and even a sovereign ; but in England this principle had never been admitted, and was justly held to be—in the words of a modern writer—"the essence of feudal anarchy." Disregarding an appeal to the Pope with which the garrison wound up their defiance of the King, Archbishop Stephen and the other bishops present acted upon the orders which they had received from Rome in the preceding year for dealing with refractory castellans. They lighted their candles and laid Falkes, his liegemen in the castle, and all their aiders and abettors, under sentence of excommunication.[1] Immediately afterwards the siege was begun. 1224 — 20 *June*

On that siege the whole energies of the King's government were concentrated for eight weeks ; and before half that time had elapsed Poitou was lost. In May Louis had outbidden Henry for the support of the Lusignans, and received the liege homage of Hugh and of his kinsman Geoffrey, the viscount of Châtelheraut.[2] On Midsummer day the French King's host mustered at Tours. He led it first to Montreuil-Bellay ; there he met the aged viscount Almeric of Thouars, who for many years had played in Aquitanian politics a part almost more important than that of the Lusignans. With Almeric Louis made a truce for a year. On 3rd July he laid siege to Niort. Savaric de Mauléon was there ; seeing that he could not, without succour from over sea, hold the country against Louis, the Lusignans, and Almeric all united, he surrendered Niort on the 5th and withdrew to La Rochelle, after swearing on the Gospels that he would not defend any place except that one beyond All Saints' day. Louis advanced next to S. Jean d'Angély, which opened its gates to him. He then marched upon La

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[1] *Quer. Falc.*, p. 265 ; R. Wend., vol. iv. pp. 95, 96. Roger gives an absurd date, "Decimo sexto kalendas Julii, die videlicet Jovis proximo post octavas Trinitatis." It was the Thursday after the octave of Trinity, but it was 20th, not 16th, June.

[2] Petit-Dutaillis, pp. 236-238.

1224 — Rochelle. Its garrison, headed by Savaric and reinforced by the men whom he had brought with him from Niort and by the English knights under Richard de Gray and Geoffrey de Neville, sallied forth to give battle, and "slew many of the French," but were driven back into the city. On the 15th Louis set up his engines before the walls. He also opened negotiations with the civic rulers; and the result was that on 3rd August the place was surrendered. The garrison marched out with the honours of war; the citizens, on the 13th, swore fealty to Louis.[1] The fall of La Rochelle sealed the fate of Poitou, by cutting off Henry's remaining partisans there from their last hope of succour from England. Limoges had already joined the winning side; Périgord did the like. The conqueror entered Poitiers without further difficulty, and in September he returned to Paris, leaving a part of his army, under a new seneschal whom he had appointed instead of Savaric, to join Hugh of La Marche in an invasion of Gascony.[2]

According to the Barnwell annalist, "it was said by some persons that Falkes and his supporters suggested to King Louis that he should invade Poitou; and in order that Louis might do this freely and without fear or danger, he, Falkes, promised to keep King Henry so fully occupied with most urgent business in the middle of his own country that he would leave his transmarine lands destitute of military forces."[3] We need hardly go about to demonstrate that Louis needed no "suggestion" from Falkes or any one else for the invasion of Poitou. The whole of this absurd story, avowedly resting only on what "was said by some people," would be beneath notice, but that its latter part seems to be a distorted and exaggerated report of an assertion which actually was made by Hubert de Burgh and the King. Before the successes of Louis were known in England, Henry wrote to the Pope an account of the circumstances which had, he said, "compelled" him to lay siege to Bedford castle, "neglecting for the present all the other affairs which are pressing upon us in Ireland and in Poitou; which imminent perils," he added, "we may not unjustly impute to Falkes and his accomplices."[1] Fifteen years later Henry imputed the loss of Poitou to Hubert, whom he charged with having sent to that country barrels filled with stones and sand instead of money and treasure, whereby the nobles and townsfolk were so disgusted with the King's service that they went over to his enemies. Hubert answered that he had never sent any such barrels; that by the advice of the magnates of England over a hundred knights and many men-at-arms had been sent to Poitou, and remained there till, without their assent, the burghers of La Rochelle made terms with the enemy, and thus it was not through negligence on his own part or on that of the knights that La Rochelle was lost; "but," he added, "it was lost through the excesses of Falkes, who with his people made an insurrection while La Rochelle was besieged."[2] Hubert's defence here is self-contradictory; if La Rochelle was lost not for want of reinforcement but by the wilfulness of its citizens, no "insurrection" in England could have any influence in the matter. Practically, however, Hubert admits that further reinforcements should have been sent, but insinuates that their despatch was made impossible by the conduct of Falkes. Thus did King and Justiciar alike, at different times, seek to cast upon Falkes the responsibility for a failure which lay at their own door. Even had the host gathered at Northampton on 16th June been in truth destined for Poitou, its gathering would have been tardy. But we cannot believe that its nominal destination was anything else than a blind. If it were, the choice of the meeting-place would be inexplicable. No sane commander would, without any necessity, have chosen to muster an army drawn from all parts of the realm, and intended for service beyond the Channel, at Northampton, a town in Mid-England, five days journey from the sea. For a full half of such an army the choice would involve literally double toil and trouble—a long, toilsome march, from Kent and Sussex, Hampshire and 1224

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[1] Cf. *Chron. Turonense*, in *Rer. Gall. Scriptt.*, vol. xviii. p. 305, with R. Wend., vol. iv. p. 93, R. Coggeshall, p. 208, and the two contradictory versions of Savaric's conduct given in *Ann. Dunst.*, pp. 86 and 91.

[2] *Roy. Lett.*, vol. i. p. 236; Petit-Dutaillis, pp. 250, 251.

[3] W. Cov., vol. ii. p. 253.

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[1] *Roy. Lett.*, vol. i. p. 226.

[2] *Responsiones*, pp. 66, 67.

1224 Dorset, Devon and Cornwall, up to Northampton and then down again to a place of embarcation on the south coast, to which some of these contingents could have gone direct in half the time, while others must have actually come from its immediate neighbourhood; and all this without any advantage to their fellow-soldiers from the Midlands and the North, or to the King himself, all of whom could just as easily have met them, as had been customary in former reigns, at the port whence they were to sail.[1] The barons were summoned to Northampton because their help was wanted in the execution of a project predetermined in the royal Council, for the ruin of Falkes de Bréauté.

Such a project was, in itself, not without justification. Falkes seems to have been generally, and deservedly, regarded as a public nuisance; and his extraordinary personality, coupled with the peculiar character of the followers under his control, gave him, even after the loss of all his sheriffdoms and most of his castles, the power to make himself also a public danger, if he were so minded. He was, however, not a whit more of a nuisance and, owing to the events of the past winter, considerably less of a possible danger at the moment when the government first took action against him, than he had been at any time in the past seven or eight years. This was implicitly, though perhaps unconsciously, admitted by Hubert when he said that the "insurrection" which—as he and Henry alike insinuate—left King and Council neither time nor energy nor men to spare for any other object, took place "while La Rochelle was besieged." Strictly speaking, this is not correct; Henry de Braybroke was captured nearly a month before Louis laid siege to La Rochelle, and, indeed, a week before the French host set out from Tours. But the statement is none the less, or rather all the more, a clear proof that the Justiciar knew of no grounds for charging Falkes with treason or rebellion[2] earlier than the capture of Braybroke; that is to say, earlier than 17th June, the day after the royal host began to assemble at Northampton. That assembly had been arranged not later than 26th April; its arrangement had been immediately followed by the raking-up of a charge against Falkes concerning a matter which dated from the earliest days of Henry's reign or even from a time before his accession, and had apparently never been heard of since; this again had been followed by Henry de Braybroke's rigorous dealing with Falkes and his brother at the Dunstable assizes. All these legal proceedings may in themselves have been perfectly just; but, begun thus suddenly, without (so far as can be seen) any special provocation, and crowded all together at this particular time, they might well have goaded even a man of cooler temper than Falkes to play into his enemies' hands by committing some outrage which would furnish the government with an occasion for crushing him completely; and to crush him the King and his councillors were evidently already determined, before that outrage was committed. The abstract justice and wisdom of their determination need not be discussed here. As a matter of policy, however, the time for its execution was singularly ill chosen. The moment when a swarm of locusts was known to be on the point of advancing upon Poitou was not the moment for stirring up a hornet's nest in England. The King paid dearly for his own share—whatever it may have been—in this blunder. Some share in it, and in all likelihood the larger share, must have belonged to Hubert; and for Hubert only one possible excuse can be suggested. As he seems to have underrated the dangers over sea, so he may, at the outset, have underrated the difficulty of the task upon which he was entering in England.[1] The muster at Northampton may have been designed for a mere military demonstration, in the heart of the lands which had been so long under Falkes's charge, with the expectation that Falkes would be thereby overawed into making complete submission, somewhat as Count William of Aumale had been overawed in 1220 and 1221, and that the host might, when it had accomplished this preliminary 1224

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[1] *Quer. Falc.*, p. 269.

[2] With treason of such a nature as that of which the Barnwell annalist says "some people" accused Falkes—collusion with a foreign enemy of the King—Falkes was never publicly charged at all.

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[1] When once the siege of Bedford was begun, and still more in after-days, of course, King and Justiciar were alike more inclined to magnify than to minimize the whole affair; but this was wisdom after the event.

1224 purpose, proceed to the south coast and still reach Poitou before it was too late. Such an expectation would hardly be consistent with the knowledge which Hubert must have possessed of the character and the resources of Falkes. If it was still entertained by any one when in the dawn of 20th June the host set out for Bedford, a very brief experience there must have sufficed to shew that it was utterly hopeless.

In 1215 the constable of Bedford castle, William de Beauchamp, had incurred forfeiture by welcoming the rebel barons within its walls. Falkes had regained it for the King,[1] and had been rewarded with a grant of its constableship in Beauchamp's stead.[2] On its fortification in John's interest and under John's orders he had lavished wealth, labour, and skill ; he had crowned it with towers and battlements—partly built of the stones of two churches which neither he nor the King scrupled to pull down for that purpose[3]—encompassed it with walls and outworks and stone-clad ditches and ramparts, stored it with military engines and arms. Its garrison in 1224 consisted of eleven knights and a proportionate number of men-at-arms, all picked men, amply sufficient to defend a fortress which was generally reputed impregnable.[4] On the other hand, the besiegers were not all as eager about their task as were the King, the Justiciar, and, it seems, most of the bishops. The Earls of Chester and Aumale, the Bishop of Winchester, William de Cantelupe, Brian de Lisle, Peter de Maulay, had obeyed the King's summons and accompanied him to Bedford with their followers, but made no secret of their lack of sympathy with the object of the expedition ; and after a while Bishop Peter and Earl Ranulf, finding themselves excluded from the King's private counsels, 1224 quitted the camp and went each to his own home.[1] Meanwhile urgent orders were being despatched to all parts of the country for cartloads of ropes, targes, quarrels, pickaxes, tents, victuals, mangonels and other engines of war, and men to work the engines.[2] The current expenditure which all this involved was so much more than the treasury could meet that the Archbishop of Canterbury and other prelates who were present in the host voluntarily made a grant for the King's necessities. "Of their mere grace and liberality," those of them who had a portion of land separate from that of their chapters gave half a mark for every ploughland thus held by them in demesne; those who had not separate portions gave two shillings per ploughland from the demesne lands of their churches; all alike gave two shillings for every ploughland held by their tenants and sub-tenants, and for every hide of land, both demesne and enfeoffed, the personal assistance of two workmen to drag and work the machines.[3] After the close of the siege letters patent were issued by the King, carefully explaining that this generous aid had been voted by the prelates purely as a matter of grace, and was not to constitute a precedent for any future occasion.[4]

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[1] R. Wend., vol. iii. p. 349.

[2] Or, possibly, of its ownership in fee. See Note X.

[3] The chroniclers speak of this sacrilege as if Falkes were alone responsible for it. So far as concerned one of the churches, however, we know from a better authority that Falkes was neither the sole nor the chief culprit. On 5th February, 1217, the guardians of the realm made little Henry give a benefice to the Prior and convent of Newnham for the welfare of his own soul and his father's soul, "et in recompensacionem dampni quod idem I. pater noster fecit priori et conventui de Newenham quando dirui fecit ecclesiam S. Pauli de Bedeford, quae fuit dicti prioris et conventus de Newenham, eo tempore quo firmari fecit castrum Bedefordiae." *Pat. Rolls*, vol. i. p. 29.

[4] R. Coggeshall, p. 205 ; cf. W. Cov., vol. ii. p. 253.

At the approach of the royal forces Falkes had slipped away into the territories of the Earl of Chester, where the King's writs did not run. There, according to his own account, he "composed some letters" to the King, asking for a safe-

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[1] *Ann. Dunst.*, p. 87. Cf. *Ann. Wav.*, a. 1224: "Falkesius . . . nonnullis etiam de majoribus Angliae, sicut dictum est, eidem Falkesio conniventibus, tenuit idem castellum contra regem . . . ad quod expugnandum . . . omnes fere magnati Angliae, licet fortassis non uno eodemque animo" [printed *anno*] "pariter convenerant." While at Northampton Henry had received a letter from the Pope, remonstrating with him about his treatment of Bishop Peter, Earl Ranulf, and some others of his father's old friends; *Roy. Lett.*, vol. i. pp. 224, 225.

[2] *Close Rolls*, vol. i. pp. 605 b-608, 610, 611 b, 612, 632, 636, 641; dates, 20th June-10th August.

[3] Cf. *Pat. Rolls*, vol. i. pp. 464, 465, and *Ann. Dunst.*, p. 86. Ralf of Coggeshall, p. 206, says that, by a general edict, two men were summoned from every plough [land] throughout the shires, to drag and work machines and convey stones from the quarries.

[4] *Pat. Rolls*, *l.c.*

1224 conduct to go to the court and "do whatever the barons and the laws of the land should require of him"; but this messenger on reaching the camp and finding that Falkes had been excommunicated was so afraid of incurring a share in the excommunication that he went away without delivering the letters.[1] Falkes was said to have told the Bedford garrison that he would succour them within forty days.[2] As that period drew towards a close the besiegers seem to have realized that the capture of the man was becoming almost more important than, and was likely to prove almost as difficult as, the capture of the castle. A band of men-at-arms was detached from the siege to go in search of him, but came back reporting that he had fled into Wales.[3] This was the more alarming because neither Llywelyn's promised amends for the Kinnerley affair nor the trial of the claims and counter-claims arising out of that affair had yet taken place. The settlement which was to have been made at Candlemas had been three or four times postponed; each time that a new date for it was fixed, the King had been too hard pressed with more urgent business to keep his appointment with Llywelyn; it now stood fixed for 28th July.[4] On 10th July letters were sent out calling upon all the King's bailiffs and other faithful subjects to help in catching "our enemy Falkes."[5] Two days later the sheriffs of Staffordshire and Shropshire were told that Falkes was known to have gone into Wales to form with some of its "mighty men" a league against the King, but, having failed in this, was expected to return secretly to England; and they were bidden to search for him, to order a hue and cry to be raised after him, and not to let it cease till he was captured.[6] Some three weeks later, as the attainment of that object seemed no nearer, the King addressed a private letter of appeal or remonstrance to the Earl of Chester—who by this time had withdrawn from the host—and also one to Llywelyn of Wales. These letters are lost, but their tenour can be made out from the replies. Henry appealed, seemingly in justification of his own conduct, to Ranulf's personal knowledge of the circumstances which had led to the siege of Bedford. He declared that, according to reports which he had received, Falkes was plotting against him to the uttermost of his power; and he begged that Ranulf would strive to avert or check any mischief which might be threatening in his neighbourhood, and if nothing of the kind seemed to be impending there, at once return to the camp. Ranulf's answer was a model of quiet dignity. He did, he said, know the circumstances relating to the siege of Bedford, and so did many other persons. Of Sir Falkes de Bréauté's reported machinations against the King he knew nothing; he had only seen and observed Sir Falkes bear himself patiently under the King's anger, as one who desired nothing else than to appease it by his own endeavours and the help of his friends. For his own part Ranulf was (he continued) ready now, as ever, to protect the King's interests as much as in him lay, and accordingly he had, on receipt of the King's letter, immediately gone to confer with Llywelyn, and obtained his promise to leave the King's land in peace for a month from 4th August. Having secured this, he was, agreeably to Henry's command, coming back to the royal presence as quickly as he could.[1] To Llywelyn the King related the capture of Henry de Braybroke and the steps taken in consequence of it; and he forbade the Prince to harbour Falkes or his men or to give them aid or counsel. Llywelyn answered by repeating Falkes's version of the story as it had been told him by Falkes in a flying visit of less than a day's duration, and refusing to recognize an excommunication against which he declared that Falkes would be justified in defending himself even if it came from the Pope in person.[2] 1224

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[1] *Quer. Falc.*, pp. 265, 266.

[2] R. Coggeshall, p. 207.

[3] R. Wend., vol. iv. p. 96.

[4] *Foedera*, I. i. p. 172, *Close Rolls*, vol. i. p. 631 b.

[5] *Pat. Rolls*, vol. i. p. 450.

[6] *Close Rolls*, vol. i. p. 632

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[1] *Roy. Lett.*, vol. i. pp. 233-235. In p. 233 Ranulf says the King's letter reached him on 4th August.

[2] *Ib.* pp. 229, 230. If Llywelyn thought the Pope was at the back of the attack on Bedford and the excommunication of Falkes, he was mistaken. On 17th August Honorius wrote to Henry reproaching him for his neglect of previous admonitions to treat his subjects gently, and especially for his ingratitude to Falkes, and pointing out the inexpediency of spending on civil war forces that were urgently needed for external defence (*ib.* p. 544). On or

1224 — Baffled in his attempts to capture Falkes, the King swore "by his father's soul" that if Bedford castle were taken by force, he would hang every man who was in it. The garrison retorted by bidding his messengers see to it that no one came with any more demands for surrender.[1] Formidable as was the King's siege train, its work progressed but slowly. A stone-caster and two mangonels stationed on the east side of the castle hurled stones all day long at the keep; two other mangonels battered at the "old tower" on the west side; two more were gradually making as many breaches in the outer walls, one on the northern and the other on the southern side; a "cat" sheltered the ingoing and outgoing of miners who were digging their way underground to the foundations of the keep; other machines concealed crossbowmen and slingers whose missiles, despatched thus by unseen hands, caught the besieged at unawares; at last two moveable wooden "castles," towers, or "belfries," so lofty that their occupants could look down into every part of the castle enclosure, not excepting the keep itself, were constructed and filled, the one with scouts to watch all the doings of the garrison, the other with crossbowmen from whose quarrels, shot down like bolts out of the sky, no man among the besieged was safe for a moment without his armour.[2] Nevertheless William de Bréauté and his men continued to hurl projectiles at their assailants;[3] in the eight weeks of the siege the King lost six knights and, it was said, more than two hundred men-at-arms and labourers working the machines.[4] At length an assault was made upon the barbican; it was taken, and four or five "foreigners"[5] were slain. A second assault won the outer bailey, where "many were slain," and

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about the same date he addressed a very sharp letter to Archbishop Stephen, reproving him for his share in the matter, and ordering him to recall the sentence which he was reported to have passed upon Falkes and to stop the King's action against that personage. On the justice of that action Honorius passes no judgement; what he insists upon is its inopportuneness (*ib.* pp. 543, 544).

[1] R. Wend., vol. iv. p. 96.

[2] *Ann. Dunst.*, p. 87. R. Wend., vol. iv. pp. 96, 97; cf. R. Coggeshall p. 206.

[3] R. Wend., vol. iv. p. 97.

[4] R. Coggeshall, *l.c.*

[5] "Forinseci."

the King's men "came into possession of horses, harness, armour, crossbows, bullocks, live pigs, bacon, and other things innumerable," besides sheds full of corn and hay which they burned. Next, the miners succeeded in bringing down a part of the wall close to the "old tower"; the King's men rushed in through the breach, and after a desperate fight in which many of them perished, they gained possession of the inner bailey. The keep still defied them; ten of them who tried to enter it were shut in and kept fast by the garrison.[1] 1224 —

Meanwhile Falkes had been tracked by Bishop Alexander of Coventry. Alexander had carried the King's letter to Earl Ranulf;[2] the Bishop of Exeter seems to have joined him at Coventry, and there these two prelates heard that Falkes was at a place three miles beyond Chester. They immediately published his excommunication, and then Alexander went to seek him in the hope of bringing him to submission.[3] To the bishop's persuasions Falkes replied that he was ready to stand to the King's command and judgement in all things, on condition that three men whom he believed to be personally hostile to him[4] should not be present; or he would submit entirely to the King's judgement and accept his mercy, but on condition that these same three should have no part in discussing the terms of that mercy. He further begged that either he might be released from excommunication by Bishop Alexander, or the whole case might be submitted to the Pope. The first part of the message thus brought back by Alexander to the royal camp was received with jeers; as to the last point, Archbishop Stephen was resolute that no one but himself should absolve the culprit. Alexander and Earl Ranulf went back together to Falkes, and persuaded him to return with them as far as Coventry.[5] Thither, on 12th August, a safe-conduct was sent to him for himself and the members of his household who were with him, that they might

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[1] *Ann. Dunst.*, pp. 87, 88.

[2] *Roy. Lett.*, vol. i. p. 233.

[3] *Foedera*, I. i. p. 175.

[4] "Tres aemuli mei quos ex causis evidentissimis suspectos habebam"—"qui capitales inimici mei erant." He does not give their names. Two of them were unquestionably Hubert and Stephen; the third may have been Earl William of Salisbury.

[5] *Quer. Falc.*, pp. 266, 267.

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1224 come to Northampton for absolution within the next ten days.[1]

To Northampton Falkes—seemingly accompanied by Bishop Alexander—came without delay; and thence he sent word to his soldiers of his inability to help them.[2] On the evening of 14th August the King's miners kindled a fire underneath the keep of Bedford castle. The garrison, seated at supper, saw the room fill with smoke, and presently found that its walls were cracking. On this they sent forth all the women in their company—among whom was the wife of Falkes—together with Henry de Braybroke and the other prisoners, escorted by some of their own number charged with an offer of surrender. These messengers were put in chains and kept by the King as pledges for the good faith of their comrades, who were suffered to spend the night in the crumbling tower after hoisting the royal standard on its summit. 15 *Aug.* Next morning all the survivors of the desperate band were brought before the King.[3] One of them was the chaplain of the castle; he was handed over to the Archbishop to be judged according to Church law.[4] Most of the others, knights and men-at-arms, were grievously wounded.[5] The King remitted them to the bishops for absolution; when they had received it,[6] he kept his vow; he sent them all to the gallows. For three of them some of the nobles interceded, and though "to save the King's oath" these three were hanged with the rest, they were cut down immediately, and delivered to the Templars, on condition of joining that Order in Holy Land.[7]

When these things were done, the Bishop of Carlisle and one of the judges, Martin of Pateshull, were sent to Falkes with the tidings, and with an invitation or citation from the Archbishop to present himself at Bedford for absolution.[8] He swooned with horror at the unexpected fate of his brother

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[1] *Pat. Rolls*, vol. i. p. 461.

[2] *Quer. Falc.*, p. 267.

[3] For the story of the surrender I have combined the accounts given in *Ann. Dunst.*, p. 88, R. Wend., vol. iv. p. 97, and R. Coggeshall, p. 207. Cf. also W. Cov., vol. ii. p. 254, and *Quer. Falc.*, *ib.* p. 267.

[4] *Ann. Dunst.*, *l.c.*

[5] R. Wend., *l.c.*

[6] *Ann. Dunst.* and *Quer. Falc. ll.cc.*

[7] See Note XI.

[8] *Quer. Falc.*, p. 268.

1224 and his friends[1]—a fate from which he, like them, had hoped that they would be saved by his vow of crusade and their appeal to the Pope. On coming to himself he was at first reluctant to accede to the Archbishop's summons, being still set on prosecuting his appeal to Rome, and also fearing the personal enmity on the part of Stephen and Hubert of which he believed himself to be the object; at last, however, he consented to go,[2] but entreated the Bishop of Coventry to accompany and protect him.[3] Thus escorted, he went to Bedford, fell at the King's feet and threw himself on his mercy.[4] Henry committed him to the custody of Bishop Eustace of London till his fate should be judicially determined;[5] for that purpose a council was appointed to meet in London fifteen days after Michaelmas (14th October). The few followers who accompanied him were then absolved, but it seems to have been deemed more prudent to defer the absolution of Falkes himself till he had surrendered, or at least given security for surrendering, the two castles which he still held—Plympton and Stoke Courcy[6]—and all his other property,[7] and also to make it as public as possible, in order that, as the absolution of an excommunicate person was an extremely humiliating ceremony for the penitent, it might serve as a salutary warning to other possible rebels. Accordingly, when Falkes had sworn to submit himself to this humiliation on 25th August in London, a safe-conduct was given him, on 19th August, to go thither for the twofold purpose of receiving absolution and paying into the treasury, as compensation for the damage and losses incurred by the

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[1] Roger of Wendover, vol. iv. p. 98, says *fratres suos*, but Matthew Paris, *Hist. Angl.*, vol. ii. p. 265, who relates this scene on the authority of an eye-witness, the Bishop of Coventry, speaks of only one brother (William), and so does Falkes himself.

[2] *Quer. Falc.*, p. 268.

[3] M. Paris, *l.c.*

[4] R. Wend. and M. Paris, *ll.cc.* The Barnwell annalist, W. Cov., vol. ii. p. 254, places this interview at Elstow.

[6] R. Wend. and M. Paris, *ll.cc.*

[6] Stoke Courcy was part of the heritage of his wife. She and her elder sister, Joan, wife of Hugh de Neville, were co-heiresses to the lands of their father, Warin FitzGerold, who had been chamberlain to Henry II, and who was now dead. See *Close Rolls*, vol. ii. pp. 10, 89 b.

[7] *Ann. Dunst.*, pp. 88, 89.

1224 — King in the siege of Bedford, the money which he had stored at Westminster.[1] On the appointed day, in presence of a great concourse of people, the Archbishop had him stripped 25 Aug. according to the rule of the Church and then gave him absolution.[2] He then executed a deed whereby he surrendered to the Crown all his possessions of every kind, and consented to fall under excommunication again if his constables at Plympton and Stoke Courcy failed to give up those two castles within a fortnight.[3]

A woman struck the next blow at the fallen man. Margaret his wife came before the King and the Archbishop and declared that she had never consented to her marriage with him, but had been taken by force in time of war and wedded to him against her will, wherefore she prayed that the marriage might be annulled. A day was set for the Archbishop to pronounce, after due consideration, his judgement on the matter.[4] Margaret's story of the marriage may very likely have been true; but her protest was made too late to deserve a hearing. Even in 1215 the widow of Baldwin de Rivers was no mere child, for she was already a mother. If the disturbed state of public affairs and the absence of the Primate prevented her seeking legal redress during the next two years, she could certainly have brought her claim before Stephen at any moment after his return in the spring of 1218.

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[1] *Pat. Rolls*, vol. i. p. 462.

[2] "Jurato autem stare mandatis Ecclesiae, in ruborem et confusionem meam, Londoniis in die dedicationis ejusdem Sanctae Trinitatis, affectata presentia plurimorum, idem archiepiscopus nudari me faciens, sermonem ad populum facto . . . tandem absolutum post verba multa et probra me dimisit." *Quer. Falc.*, p. 268. We are not obliged to accept Falkes's description of Stephen's discourse as containing "blasphemias infinitas," nor to believe that the words which he proceeds to give as a quotation from it (*ib.*) were actually spoken by the Primate. His date—"die dedicationis ejusdem S. Trinitatis"—is absolutely unintelligible to me; but the safe-conduct given him on 19th August was to last till the 25th; and 25th August is also the date of his final act of surrender, which would no doubt be made directly after his absolution. That he was absolved before he made it is stated in the deed itself.

[3] *Foedera*, I. i. p. 175; *Pat. Rolls*, vol. ii. pp. 210, 211; date, 25th August. A dateless letter from Falkes to the constable of Stoke Courcy, urging its immediate surrender, is in *Pat. Rolls*, vol. i. p. 490. On 29th August twenty marks were granted to Falkes from the treasury "for his expenses"; *Close Rolls*, vol. i. p. 643 b.

[4] R. Wend., vol. iv. p. 98.

1224 Instead of doing so, she waited till the man whose prosperous fortunes she had shared for nine years, and by whom she had at least one child,[1] was brought down to the dust, and then she, too, sought to be rid of him. Such an abuse of the laws of marriage as she petitioned for was not likely to be sanctioned by Stephen de Langton, however sternly he might, for the public weal, deem it necessary to deal with her husband. His judgement on her petition is not recorded; but there are clear indications that it was given against her.[2]

For more than nine weeks Falkes was kept, strictly guarded, in the custody of the Bishop of London. The meeting of the Council which was to decide his fate had been fixed for 14th October, but no decision seems to have been reached till about the 26th.[3] Moved partly by remonstrances which the Pope had, some months before, addressed both to Oct. the King and to the Primate in behalf of Falkes,[4] partly by their own undeniable knowledge of Falkes's long and faithful service to the King's father, the Council unanimously determined that he should be spared in life and limbs, on condition that he would abjure the realm and go over sea on

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[1] The *Ann. Wav.*, a. 1224, say, "Uxor ejus [*i.e.*, Falkesii] . . . tradita est cuidam magnato Angliae custodienda cum filiis suis." This means "*her* sons"—one by Baldwin and one by Falkes. Falkes himself speaks only of "wife and son" (*Quer. Falc.*, pp. 271, 272), and so does the Pope when writing in his behalf to Henry.

[2] See (1) the Pope's reproach to Stephen in 1226 concerning Falkes and Margaret—"Quomodo potest anima tua in eorum venire consilium qui uxorem ejus nobilis detinent, et in multorum scandalum animarumque suarum perniciem matrimonii violant sacramentum?" (*Roy. Lett.*, vol. i. p. 547), which clearly takes it for granted that their marriage was still recognized by Stephen and everyone else; and (2) a letter patent of 1228 which calls Margaret "quondam uxorem Falkesii" (*Pat. Rolls*, vol. ii. p. 211); "quondam uxor" or "quae fuit uxor" being the legal description of a widow, but not of a woman who had been "divorced," *i.e.*, declared by a judicial sentence to have been never truly a wife at all.

[3] In *Quer. Falc.*, p. 270, Falkes says he was in the bishop's custody "ix septimanis et amplius." Nine weeks from 17th August, which seems to be the earliest possible date for his committal to Eustace's keeping, brings us to 24th October; and we shall see that the latest possible date for the Council's decision is 26th October. Roger of Wendover's statement (vol. iv. p. 103) that it took place "Martio mense" is of course quite wrong.

[4] See above, p. 241, note 4.

1224 — pilgrimage, never to return.[1] The Primate exacted from him a further promise not to carry his complaints to the Pope.[2] To these conditions he submitted. On 26th October he received a safe-conduct to go to the coast and remain there till he could get across the sea,[3] and orders for the manning of the ship which was to carry him were issued to William de Breuse and the Earl of Warren,[4] the latter of whom was commissioned to see him safely on board. It was reported that when parting from the Earl, Falkes with tears begged him to carry his greetings to "his lord the King," declaring with a solemn oath that his disturbances of England's peace had been instigated by "the great men of the land." Five of his men-at-arms accompanied him to Normandy.[5] So far was Louis from regarding him as an ally that he was seized by the French King's bailiffs immediately on landing at Fécamp and brought as a prisoner before Louis himself.[6] The cross on his 1225 shoulder, however, procured his release.[7] Next Easter (1225) he proceeded to Rome.[8] On his way across France he met Robert Passelewe,[9] a man learned in law, who may have put into shape (or at least into Latin) the "Complaint" which —in defiance of his promise to Archbishop Stephen—he presented to the Pope. In August he was captured in Burgundy by a knight called Anselm "de Duime," whom he had once made prisoner and put to heavy ransom in England. The Pope seems to have procured his release,[10] on which he returned to France, and dwelt for a year at Troyes; at last he was driven out of the country because he refused to do homage to Louis. Returning to Rome, he once more entreated the Pope to insist that he should be restored at least to the enjoy-

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[1] Cf. *Quer. Falc.*, p. 270, and R. Wend., vol. iv. p. 103. Ralf of Coggeshall, p. 208, has a slightly different version of the way in which this sentence was arrived at.

[2] *Quer. Falc.*, *l.c.*

[3] *Pat. Rolls*, vol. i. p. 478.

[4] *Close Rolls*, vol. i. p. 633 b.

[5] R. Wend., *l.c.*

[6] Cf. *ib.*, W. Cov., vol. ii. p. 254, and *Ann. Dunst.*, p. 89.

[7] So says Roger, *l.c.*; but the Barnwell annalist (W. Cov., *l.c.*) says Louis sent him to prison at Compiègne, and only released him on an order from the Pope.

[8] *Ann. Dunst.*, *l.c.*

[9] R. Wend., *l.c.*

[10] *Roy. Lett.*, vol. i. pp. 264-269; cf. *Foedera*, I. i. 175, 176.

ment of his wife's society and of the proceeds of her patrimony.[1] 1226
Honorius wrote accordingly, both to the King and to Archbishop Stephen.[2] Soon afterwards, however, the whole matter was ended by the death of Falkes.[3] A year later Henry was trying—with what success we know not—to reclaim from the Master of the Temple in London eleven thousand marks which Falkes on his death-bed was said to have confessed were still in the head house of the Order in England, where he had deposited them for secrecy and safety.[4]

1224
Having crushed Falkes, King and ministers in the autumn of 1224 at last found leisure for taking measures of defence and defiance against the greater foe beyond the sea. Special bailiffs were appointed for the protection of the coasts.[5] Reinforcements were sent to the Channel Isles to hold them against a possible attack from France.[6] The bailiffs of some of the great trading towns were ordered to seize the persons, goods, and chattels of all Normans and other subjects of the French King within their several bailiwicks.[7] Soon, however, it became apparent that Louis had no present intention of attacking England, but was bent on completing his conquest of Aquitaine, and that Gascony was in imminent danger of falling into his hands like Poitou. The English King's great difficulty was, as usual, the want of money. Before the host broke up after the siege of Bedford the carucage granted by the prelates had been supplemented by a like grant from the

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[1] "Uxorem cum patrimonio sibi restitui," *Ann. Dunst.*, p. 89. The "patrimony" referred to must be Margaret's, since Falkes had never had or been entitled to any of his own. Having been absolutely penniless for two years and a half, he was now "multis debitis oneratus" (*ib.*), and considering Margaret's conduct in September, 1224, it would be only natural if he valued his claims upon her chiefly on their pecuniary side.

[2] *Roy. Lett.*, vol. i. p. 547 ; date, 11th July, 1226. This letter to Stephen is the one referred to above, p. 247, note 2.

[3] The *Ann. Dunst.*, p. 89, say he died "ab Urbe rediens, apud Sanctum Ciriacum." So do Roger of Wendover, vol. iv. p. 137, and Matthew Paris, *Hist. Angl.*, vol. ii. p. 291 ; the latter adds "infectus veneno quod in pisce quodam ei dabatur."

[4] *Roy. Lett.*, vol. i. pp. 313, 314, 12th September, 1227.

[5] *Pat. Rolls*, vol. i. pp. 465, 468, 469, 29th August, 7th and 9th September.

[6] *Close Rolls*, vol. i. p. 626 b, 20th October.

[7] *Ib.* p. 632 b, 6th-8th September ; cf. *Ann. Dunst.* (a. 1225), p. 92.

1224 — barons;[1] this was followed by a scutage,[2] and in November a tallage was laid on the Jews.[3] But all this was insufficient; and at the Christmas court at Westminster Hubert appealed to all present for "counsel and aid whereby the Crown of England might recover its lost dignities and its ancient rights in the parts beyond the sea," and added that he "thought this could be done if a fifteenth part of all moveable goods throughout England were given to the King by both clergy and laity." After some deliberation the whole assembly agreed to adopt this suggestion, "if the King would grant them their long desired liberties"[4]—that is, if he would re-issue and confirm the Great Charter. The King's feeling about this matter seems to have remained the same as it had been 1225 twelve months before, for it was not till 11th February (1225) that he complied with the required condition; and then he issued both the Charter of Liberties and that of the Forest in a new form. The text of both Charters as he now granted them was the same as in the issue of November, 1217. But in the preamble to each of them he stated, not, as had been done in all former issues (including the original Great Charter of 1215), that the liberties were granted "by the advice of his counsellors," but that they were granted "of his own free goodwill, to the prelates, magnates, and all the people of England, to be kept in the realm of England for ever"; he put on record the grant of a fifteenth of moveables made to him in return for this "concession and donation" on his part; and he concluded with a solemn promise that neither he nor his heirs would do anything to invalidate or infringe the liberties thus guaranteed, and that any attempt to do so should be null and void. The Primate, eleven bishops, twenty abbots, Hubert as Justiciar, nine earls, and twenty-three barons appended their names as witnesses.[5]

For many months King and Justiciar were occupied chiefly with schemes, military and diplomatic, for the preservation of what remained of Henry's continental dominions and the recovery of what had been lost. During the last few months of 1224 the joint efforts of Hugh of La Marche and the new French seneschal of Poitou to win Gascony for Louis met with considerable success. Several of the chief Gascon towns —St. Emilion, Bazas, La Réole—and many of the nobles, swore fealty to the French King.[1] The one man who might still have headed an organized effort to stem the tide was Savaric de Mauléon; but Savaric had lost the confidence of the English government, owing to the surrender of La Rochelle. In after days, as has been seen, he was acknowledged by Hubert de Burgh to have been blameless in that matter; but at the time Hubert and Henry were only too ready to lay the blame of it at any door except the one where it was mainly due—their own—and Savaric's defence of his conduct failed to convince them of his loyalty. The natural result followed: the services which they rejected were transferred to Henry's rival;[2] and for several years to come Savaric's talents and energies—both of which were of a high order—were actively employed in the office of governor of La Rochelle and warden of the seaboard for Louis. The remnant of Henry's Aquitanian possessions was thus left without a governor or head of any kind. Gascony, however, could not be irretrievably lost so long as the great merchant sea-port of the South, Bordeaux, remained loyal; and the citizens of Bordeaux, whose commercial and political interests were closely bound up with those of England, stedfastly resisted all Hugh of Lusignan's endeavours to cajole or frighten them into submission. Their obstinate refusal to make even a truce with him compelled him to retire into his own county in October, 1224, when one of Henry's agents in Gascony reported their jubilant boast that they "would soon confound all the King's enemies, if only they had money"; "and," he added, "I believe they would, if they had with them the King himself or his brother Richard. Wherefore I counsel that if

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[1] R. Wend., vol. iv. p. 99.

[2] Cf. *ib.* and *Close Rolls*, vol. ii. pp. 22, 25, &c.

[3] *Pat. Rolls*, vol. i. p. 496; cf. *Close Rolls*, vol. ii. p. 22. This tallage, according to *Ann. Wav.*, a. 1225, brought in five thousand marks.

[4] R. Wend., vol. iv. pp. 99, 100. Cf. *Ann. Dunst.*, p. 93.

[5] *Statutes of Realm*, *Charters of Liberties*, pp. 22-25.

1225
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1224

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[1] *Roy. Lett.*, vol. i. pp. 237, 238.

[2] According to the *Chron. Turon.* (*R.G.S.* vol. xviii.), p. 307, Savaric went to England (cf. *Pat. Rolls*, vol. i. p. 477, *Close Rolls*, vol. ii. pp. 8 b, 9) to ask for succour, "sed Anglici, de ejus adjutorio diffidentes, eum latenter capere tentaverunt." He however escaped, and at Christmas did homage to Louis.

1225 money be sent to them, Richard be sent likewise, with some good man to control the expenditure of the money."[1]

This counsel was followed. The feast of the Epiphany, 1225, was Richard's sixteenth birthday. On Candlemas day he was knighted by his royal brother.[2] A fortnight later 13 *Feb.* Henry granted him the Earldom of Cornwall "with all that pertained to the King in that county, to support himself in the King's service, during the King's pleasure";[3] and also, it seems, the title of Count of Poitou, by which Richard was thenceforth called.[4] Ever since the beginning of January a fleet had been gathering to convoy the young Count over sea;[5] and on Palm Sunday, 23rd March, he sailed from Portsmouth with a small force of knights, and accompanied by his uncle Earl William of Salisbury, Philip d' Aubigné,[6] and some other chosen counsellors, all of whom were, together with Richard himself, commissioned by the King to undertake the "defence of Poitou and Gascony."[7] They were warmly welcomed at Bordeaux; and by the beginning of May the King's authority was fairly well re-established throughout Gascony, except at Bergerac and La Réole, whose citadels were garrisoned by Louis.[8]

The Pope was anxious for peace between the two Kings, because he wanted Louis to devote himself to the suppression of the Albigensian disorders in the county of Toulouse and its dependencies. A legate, Cardinal Romanus, went to

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[1] *Roy. Lett.*, vol. i. p. 239.

[2] R. Wend., vol. iv. p. 101.

[3] *Pat. Rolls*, vol. i. p. 507; cf. *Ann. Wav.* and *Dunst.*, a. 1225.

[4] "Dederat ei namque rex, ante recessum suum ab Anglia, comitatum Cornubiae cum tota Pictavia; unde ab omnibus comes Pictaviae vocabatur, titulusque literarum suarum 'comes Pictaviae et Cornubiae.'" M. Paris, *Hist. Angl.*, vol. ii. p. 270, adding in margin: "Clam dederat ei Wasconiam et incartaverat."

[5] *Pat. Rolls*, vol. i. p. 503, *Close Rolls*, vol. ii. pp. 10 b, 11, 21, 22 (1st and 3rd January, 13th March). By 21st March the fleet was found to be too large for its purpose, and many vessels were dismissed; *Pat. Rolls*, vol. i. p. 514.

[6] R. Wend., *l.c.*; cf. *Ann. Dunst.*, p. 94, and *Ann. Winton.*, a. 1225. This last authority says they went "about Mid-Lent" (9th March), but Roger's date agrees better with the Rolls. He says there were forty knights; the *Ann. Winton.* say seventy.

[7] Cf. *Pat. Rolls*, vol. i. pp. 513-516, and *Close Rolls*, vol. ii. pp. 16 b, 19 b.

[8] See Richard's letter, dated 2nd May, in *Foedera*, I. i. p. 178, and cf. Petit-Dutaillis, p. 262.

France to confer with Louis on these matters, and between 1225 the end of May and the middle of October three embassies were sent from England at his request to treat with Louis for peace or a truce.[1] On the English side these negotiations seem to have been undertaken without any real desire to bring them to a successful issue; but they served the double purpose of conciliating the Pope and gaining time to prepare for a more vigorous prosecution of the war. Meanwhile Henry was seeking to form alliances which might help to weaken the power of France. At the close of the previous year it was believed in England that Louis had on foot a project for marrying his daughter to the young King of the Romans, Henry, son of the Emperor Frederic II. This the English King endeavoured to foil by despatching to Germany an embassy charged with proposals for two marriages, one between his sister Isabel and the Emperor's heir, the other between himself and a daughter of the Duke of Austria. The negotiations dragged on for some months,[2] but came to nothing; neither, however, did the French scheme, if such a scheme had ever really existed, for at the end of 1225 Henry of Germany wedded Margaret of Austria. Ten years later Isabel of England was to become the third wife of his father the Emperor.[3] In the middle of August Henry of England secretly made overtures to the deadliest enemy of both France and Rome—Count Raymond of Toulouse[4]—and a draft treaty of offensive and defensive alliance against Louis was sent from England and its terms sworn to in Henry's name by the envoys who carried it to Raymond.[5] With another great southern house, that of Auvergne and Clermont, whose loyalty to France was generally doubtful, Count Richard and his

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[1] *Pat. Rolls*, vol. i. pp. 579, 601, 580, 552, *Close Rolls*, vol. ii. p. 43.

[2] *Roy. Lett.*, vol. i. p. 528, *Close Rolls*, vol. ii. pp. 70 b, 71, 72 b.

[3] It is more difficult to understand what Henry can have expected to gain by another embassy sent out about the same time as the one to Germany. On 14th January, 1225, Ansoldus of Genoa is ordered to buy a hundred marks' worth of scarlet and "tela de rey" to give from the King to the Soldan of Damascus, the King promising to pay him when he returns from the Soldan. *Close Rolls*, vol. ii. p. 13 b.

[4] *Foedera*, I. i. p. 179.

[5] See the text (dateless) in Petit-Dutaillis, pp. 518-520.

1225 counsellors made a "confederation" which Henry ratified on 12th October, the same day on which he bade his brother and uncle make a truce with France, and himself despatched an embassy thither.[1]

A month later, the surrender of La Réole completed the re-establishment of Henry's power in Gascony.[2] On this Earl William of Salisbury, whose health was failing, set out by his royal nephew's desire for England. The ship in which he sailed was tossed about in the Bay of Biscay "many nights and days," till he despaired of life and flung his jewels, money, and fine clothes into the sea, "that as he came naked into this world, so he might, stripped of all earthly honour, enter into the eternal country"; and his companions followed his example. At last they sighted the Isle of Rhé, landed there by means of their boats, and found shelter in an abbey. But two men-at-arms in the service of Savaric de Mauléon, who was keeping vigilant watch on the Poitevin coast in the interest of Louis, recognized the Earl and warned him that he would be captured unless he left the Isle at once. He gave the men twenty pounds, took to the ship again, and was in perils in the sea for three weeks longer before he reached 1225-1226 the English coast, seemingly just after Christmas.[3] In England he had been so completely given up for lost that Hubert de Burgh had planned to secure the hand and the estates of Countess Ela for a nephew of his own, Raymond by name, and had actually persuaded the King to consent to the marriage. Henry, however, made his consent conditional on that of Ela herself; and when the Justiciar sent his nephew to her "in noble knightly array," the wife of Longsword indignantly told him that she had lately had news from her husband stating that he was safe and well, but even if he were dead, she would in no wise accept him (the suitor) for her spouse, inasmuch as the nobility of her birth forbade such a thing. "Go," she added, "and seek a match elsewhere; you will find by experience that you have come here in vain."[1] William, when he reached home and heard this story, went to the King at Marlborough and after being received by him "with great joy," laid before him a grave complaint against the Justiciar for having sent "some low-born fellow" to insult the Countess; and he added that unless the King made the Justiciar render him full satisfaction, he would seek vengeance for such an outrage himself, in a way which would cause a grave disturbance of the realm. The Justiciar, well knowing that Earl William would have no difficulty in executing his threat, at once made a humble apology and "recovered the Earl's favour by large gifts of valuable horses and other things."[2] The whole story is a curious illustration of the social relations between Hubert and the great nobles of the land; for there is no sign of any previous friction between Hubert and Longsword in political affairs; and between the Earl and his royal nephew there seems to have existed a genuine personal attachment. The meeting at Marlborough was their last; Earl William died at Salisbury on 7th March.[3] 1225 — 1226

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[1] *Pat. Rolls*, vol. i. p. 552.

[2] 13th November, Petit-Dutaillis, p. 261. See more about the siege in R. Wend., vol. iv. p. 102, and *Ann. Dunst.*, p. 94.

[3] On comparing the story in R. Wend., vol. iv. pp. 105-107, 116, with the King's letter to William, *Close Rolls*, vol. ii. p. 83, and the entries *ib.* pp. 92-96, and *Pat. Rolls*, vol. ii. pp. 9, 12, 13, which show that William's visit to the King at Marlborough took place between 31st December, 1225, and 29th January, 1226 (see especially *Pat. Rolls*, vol. ii. p. 12, 23rd January), I venture to think that Roger's "tres menses" in p. 107 should read "tres septimanas."

The practical direction of affairs in Gascony and the guardianship of its nominal ruler, young Richard, thus devolved entirely upon Philip d'Aubigné. He was quite equal to his task, and was moreover well supported by the English government; for Henry and Hubert had at last learned that Gascony could not be preserved, much less Poitou recovered, without constant supplies of money, arms, and men; and these they continued to pour into Bordeaux for Richard[4]—not without considerable difficulty and risk, for Savaric and his men were continually 1225 *Aug.* 1226 *Feb.–May*

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[1] R. Wend., vol. iv. pp. 114, 115.

[2] *Ib.* pp. 116, 117.

[3] Dugdale, *Baronage*, vol. i. p. 177, from Register of Lacock Abbey. Roger (p. 117) says that after the reconciliation at Marlborough Hubert invited Longsword to dinner and there, "ut dicitur," poisoned him. If so, the poison must have been a slow one, since the dinner took place before the court left Marlborough, *i.e.*, before 30th January, and the Earl did not die till five weeks later. His health, already failing in October, was evidently broken down altogether by his sufferings at sea.

[4] See *Roy. Lett.*, vol. i. pp. 261-263; *Pat. Rolls*, vol. ii. pp. 14, 15, 24, 31-36, 38, 59, 75-78; *Close Rolls*, vol. ii. pp. 38 b, 51, 98, 118 b.

1226 cruising about, on the watch to intercept English vessels, and doing their utmost to make all transit between England and Aquitaine dangerous and sometimes almost impracticable.[1] In January, 1226, Henry for a moment at least contemplated going in person to join his brother.[2] The King was at that moment just recovering from an illness which for a time had endangered his life ;[3] this fact, coinciding with Earl William's return and recital of his experiences at sea, may have made Hubert and the other councillors urge the postponement of a project involving so serious a risk; for the ship which had been prepared for the King soon afterwards sailed without him.[4] At the end of the month Louis of France took the Cross as leader of the expedition against Toulouse.[5] Again the Legate Romanus pleaded with Henry for a truce, and on 22nd March an envoy was despatched from England to confer with him about the matter; but the terms in which this mission was announced shew plainly that the young King and his counsellors were not disposed to enter upon any negotiations with Louis.[6] They were in fact planning to make an attempt at the recovery of Poitou as soon as Louis should be too busy with his crusade to give any help or support to his Poitevin adherents.

The French host was summoned to meet at Bourges on 17th May.[7] The chief English seaports were bidden to send all their ships to Portsmouth so as to be there on 30th May ready to go forth "on the King's service."[8] But Henry's project met with an unexpected check. Louis had made it a condition of his Albigensian crusade that the Pope should forbid Henry, on pain of excommunication, to molest him or his realm in any way while he was thus engaged ;[9] and this, on 27th April, Honorius did.[10] When his letter reached England,

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[1] *Pat. Rolls*, vol. ii. pp. 25, 26, and *Ann. Dunst.*, pp. 98, 99.

[2] See his instructions concerning Brother Thomas of the Temple, "ducenti magnam navem nostram in hoc itinere nostro versus Wasconiam," *Pat. Rolls*, vol. ii. p. 11, 19th January, 1226.

[3] Cf. R. Wend., vol. iv. p. 114, with dates in *Pat. Rolls*, vol. ii. pp. 9-13, and *Close Rolls*, vol. ii. pp. 92-96.

[4] *Pat. Rolls*, vol. ii. p. 14.

[5] *Chron. Turon.*, p. 312.

[6] *Pat. Rolls*, vol. ii. pp. 74, 75.

[7] *Chron. Turon.*, p. 313.

[8] *Close Rolls*, vol. ii. p. 151.

[9] R. Wend., vol. iv. p. 125.

[10] *Roy. Lett.*, vol. i. pp. 545-547.

the King called his counsellors together and asked them what 1226
they advised him to do in the face of this prohibition. They —
were all of one mind that his cherished scheme must be deferred "till it should be seen what would become of the French King, who had undertaken such a difficult work and costly enterprise." Henry's anxiety about his brother was presently allayed by the arrival of letters from Richard giving a good report of his successes. "Moreover there was then among the King's counsellors one Master William surnamed Pierepunt, skilled in astronomy, who constantly affirmed before the King that if the King of France proceeded with the expedition which he had begun, he would either never return alive, or suffer a great loss and overthrow. The King therefore, cheered by hearing these things, acquiesced in the counsel of his friends."[1] On 23rd June the fleet was dismissed,[2] and so far as Poitou was concerned, fighting and negotiation were alike at a standstill for the next four months.

In Henry's insular dominions the political storms of 1224 had been succeeded by a period of calm. The Welsh and Irish Marches were both of them in a most unusual state of tranquillity. Henry's long promised and oft deferred conference with Llywelyn about the amends due for the Welsh raid of January, 1223, seems to have taken place at last at the end
of September, 1224,[3] and—strangely enough—resulted in 1224
Llywelyn's receiving seisin of Kinnerley.[4] Another conference, probably for the settlement of matters in dispute between Llywelyn and the Marshal and between Llywelyn and Hugh de Mortimer, was planned and postponed several times within the next eighteen months, and seems not to have taken place
till 27th August, 1226.[5] On that day, at Shrewsbury, Hugh 1226
de Mortimer "and others" again, in the King's presence, demanded of Llywelyn the restoration of the lands which he

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[1] R. Wend., vol. iv. p. 126.

[2] *Pat. Rolls*, vol. ii. p. 44.

[3] Cf. *Pat. Rolls*, vol. i. pp. 489 and 471 (13th August and 23rd September, 1224) with *Close Rolls*, vol. i. p. 648, which shews that Henry was at Shrewsbury 24th-30th September.

[4] "Kinardly caput de terris quas Madoc filius Griffin tenet per servicium militare est in manu Lewelini," *Close Rolls*, vol. ii. p. 24, 18th March, 1225.

[5] *Foedera*, I. i. p. 178, *Close Rolls*, vol. ii. pp. 83 b, 154 b, 155, *Pat. Rolls*, vol. ii. pp. 56, 59.

1226 had taken from them. Llywelyn asked the King for another day, and Henry gave him one at Whitchurch on 25th October.[1] The result does not appear, unless it is indicated in a statement of the Dunstable annalist that "in the same year (1226) agreement was made between Llywelyn and William the Marshal and the Earl of Chester."[2] But from the fact that throughout the years 1225–1227 the Welsh chroniclers make no boast, and the English ones no complaint, of any infraction of the peace on the part of Llywelyn or his men, we may safely conclude that the English successes in 1223 had had something more than a merely transitory effect.[3]

1224 The Earl Marshal had landed at Waterford as chief Justiciar in Ireland on 19th June, 1224. At the beginning of August he sent home to the King an encouraging report of the state of affairs in the March.[4] In October his hands were strengthened for the work which he had been specially sent to do—the subjugation of Hugh de Lacy—by the appointment of his cousin John Marshal as bailiff of Ulster.[5] One by one 1225 Hugh's strongholds were captured; at last, in spring, 1225, Hugh himself surrendered, and was sent by the Earl to England as a prisoner to beg for the King's mercy and pardon. Henry at first would have nothing to do with him; but the Marshal, coming over soon afterwards, pleaded for him, and, apparently, suggested a temporary settlement which was carried into effect[6] in May. Two hundred marks, to be paid in instalments, beginning from the Easter last past, were granted to Hugh from the royal treasury for his support during the current year.[7] Walter de Lacy was given seisin of "all his lands in Ireland and England which the King had seized on occasion of the war with Hugh," the Marshal being one of his sureties for the payment of the fine.[8] Twelve months later the custody of all Hugh's lands in Ireland was 1226 — committed to Walter to hold for three years, unless within that period Hugh should by the King's grace obtain their restoration to himself.[1] Six weeks after this, on Midsummer eve, at Winchester, the Earl Marshal resigned the Justiciarship of Ireland into the hands of the King, and the King at once committed it to Geoffrey de Marsh.[2] The transfer was to be made on 1st August; Geoffrey was to receive a yearly salary of five hundred and eighty pounds at the Dublin Exchequer so long as he remained Justiciar; and his present appointment was not to be made an occasion for requiring of him any account relating to his former tenure of the same office.[3] Since his removal from that office Geoffrey had—except about his papers—given no trouble; in August, 1224, his loyal attitude had been warmly commended by the 1224 Marshal,[4] and in November of the same year, when the Marshal's presence was temporarily required in England, the responsibility for the peace of the March during his absence had been entrusted to Geoffrey;[5] but it was probably not the Marshal's influence that procured his re-appointment. The first letter which the King addressed to him as Justiciar in 1226—on 30th June, when the actual transfer of the justiciar- 1226 ship had not yet taken place—was an order to summon the King of Connaught to surrender his land (forfeited, according to Henry's account, by its late King's failure to render due service to John), and in default, to take it by force and give seisin of it to Richard de Burgh,[6] who was already seneschal of Limerick and Munster, and was brother to the chief Justiciar of England. Geoffrey, when after a visit to England he had re-entered upon his duties as Justiciar, declared that "all the King's castles in Ireland were fortified against the King, except Limerick, which was in the custody of Richard de Burgh, who assiduously and constantly assisted him (Geoffrey) in bringing the King's affairs to good success."[7]

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[1] *Close Rolls*, vol. ii. pp. 154 b, 155.

[2] *Ann. Dunst.*, p. 100.

[3] The silence of the *Brut* is most significant. That chronicle, after its daring assertion that the Earl Marshal was "slain" at Carnwyllon in 1223 (see above, p. 125, note 4), says not another word about the relations between England and Wales till 1228.

[4] *Roy. Lett.*, vol. i. p. 500.

[5] *Pat. Rolls*, vol. i. p. 387.

[6] *Ann. Dunst.*, a. 1225, pp. 91, 92.

[7] *Close Rolls*, vol ii. p. 37 b, 10th May.

[8] *Ib.* p. 39 b, 13th May, 1225. Cf. *ib.* pp. 125 b, 126.

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[1] *Pat. Rolls*, vol. ii. pp. 31, 32, 75-78, 12th May, 1226.

[2] *Ib.* p. 47.

[3] *Ib.* pp. 51, 52, 4th July.

[4] *Roy. Lett.*, vol. i. p. 500.

[5] *Close Rolls*, vol. ii. p. 96 b.

[6] *Pat. Rolls*, vol. ii. pp. 48, 49.

[7] *Roy. Lett.*, vol. i. p. 291.

1226 In Geoffrey's re-appointment at this time we may surely see the hand of Richard's brother Hubert.

The Marshal appears to have resigned of his own accord, giving as a reason that he had vowed a pilgrimage to S. Andrew's; and it was with the declared intention of fulfilling his vow immediately that he parted from the King at Winchester at Midsummer. He had, however, got no further north than Coventry when he heard that his pilgrimage was being represented to the King as a cloak for some evil design; whereupon he at once wrote to Henry that he had given up his project and resolved to go straight back to Ireland. Henry, on 10th July, warmly protested that he had no suspicions of his brother-in-law, but looked upon him as a trusty and loyal counsellor and friend. "But," he added, "if you really intend to give up your journey and cross over to Ireland, we bid you first come to us and surrender our castles of Caermarthen and Cardigan; or, if you cannot possibly come, send us a man of yours with power to do so. We are going towards York on business, and propose thence to return to the marches of Wales."[1] This surrender was duly made before 18th August, when the King committed Caermarthen and Cardigan to Henry of Audley, by a letter-patent in which he expressly declared that the Marshal was to be quit for the whole of the time during which these two castles had been in his keeping and in that of his father before him.[2] Probably the brothers-in-law had at their midsummer meeting agreed upon this transfer, and also upon another arrangement which was put into legal form a few days later. On 22nd August the castle of Caerleon, "of which the King demanded seisin,"[3] was committed to him by the Earl Marshal "saving his own right and his inheritance" therein; and on the 26th the King "committed the castle to the Marshal, to hold for four years from the ensuing Michaelmas day." At the end of the four years the Marshal was to deliver the castle to the King, "saving his own right"; and the King, within a month after he had received it, was to "cause the Earl to have judgement of his peers of such right and seisin as he had on the day when this convention was made at Hereford, and of any other right which he might be able in the meanwhile to search out"; such right not to be prejudiced by the present convention. If the Earl's peers should adjudge seisin to him, he was to have it without delay, "saving the rights of each party"; and the judgement was not to be delayed beyond the appointed term. Finally, "through this convention the King's anger—if he had any—against the Earl and his men shall be left behind."[1] On the day after this convention was made public, it was announced that the Marshal "had set out for Ireland in the King's service."[2] This was shortly after Geoffrey de Marsh had been complaining that when he called upon the barons of the March to renew their homage to the King, those of Leinster failed to respond, and one of them, Theobald Butler, flatly refused to recognize the new Justiciar's authority without instructions from the Earl Marshal.[3] We can scarcely help suspecting that all these things were connected; that the Marshal's successes in Wales and Ireland, and his marriage with the King's sister, had aroused the jealousy of the De Burghs, and that Geoffrey was an instrument in their hands. If so, they were playing a game which might have proved dangerous both to themselves and to their sovereign, had it not been for the dignified moderation and stedfast loyalty of the Earl. However this may be, Geoffrey de Marsh remained Justiciar in Ireland till he resigned the office of his own accord in February, 1228. 1226 —

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[1] *Pat. Rolls*, vol. ii. pp. 80, 81.

[2] *Ib.* p. 58.

[3] See above, pp. 190, 191.

In England itself the only problem which seems to have given serious trouble to the government during these years was the everlasting problem of finance. Gascony had to be supplied, and to supply Gascony the English treasury had to be drained till there was nothing left for the needs of the English State and of the Crown itself. Five days after the re-issue of the Charters in 1225—on 16th February—orders were given for their publication throughout the realm;[4] the writs concerning the fifteenth had been issued on the previous day. Half of the tax was to be paid into the treasury at Trinity, the other half at Michaelmas. Detailed instructions 1225

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[1] *Pat. Rolls*, vol. ii. p. 82.

[2] *Ib.* p. 59, 27th August.

[3] *Roy. Lett.*, vol. i. p. 291.

[4] *Close Rolls*, vol. ii. p. 70.

1225 were given as to the mode of assessment, the incidence of the tax, the manner of collection ;[1] nevertheless, before the end of March the commissioners employed about the matter in one county at least found themselves involved in unexpected difficulties. From the wording of the royal order it appeared (at any rate to them) that the free tenants of bishops and abbots were to be assessed like those of lay lords; but in Kent the Archbishop forbade the assessment of any such tenants except those holding by military service. On 29th March the King sanctioned this limitation. Complaints had also reached him that the commissioners were "compelling poor women who had only a small quantity of thread, or a brooch worth two or three pence, to give a fifteenth" ; this practice they were bidden to stop at once, lest the curses of the poor should fall upon the head of the King. On the other hand, he bade them "diligently and efficaciously induce all crusaders" (who as such were legally exempt) "to contribute to this fifteenth, which is appointed for the peace and safety of our land and the common weal and defence of all; and tell them plainly and openly they are to know that as many of them as shall hold back from giving us this fifteenth, they and their heirs will never have any part in the liberties which we have granted to our loyal subjects by our Charters."[2] This method of persuasion, however tyrannical it may sound, was perfectly logical. The Charters had avowedly been renewed for a consideration; those who withheld their share of that consideration, although able to pay it, were not entitled to a share in the benefit of the Charters. The irretrievable blunder which the Great Council had committed at Christmas, 1224, in making a bargain with the Crown for a renewal of the Charters, was already bringing forth its fruit.

Archbishop Stephen's prohibition to the commissioners in Kent was probably dictated by caution; certainly not by unwillingness to help in supplying the needs of the Crown. The Pope, on 3rd February, wrote to the English prelates and clergy exhorting them to make collections in their several dioceses for the King, but to take care that the proceeds went "for useful and necessary purposes," not in "superfluous and vain expenses," and that this collection should not be made a precedent.[1] When this letter reached England Stephen bade his suffragans urge their clergy to obey it by contributing an aid out of such of their property as was exempt from the fifteenth, and also to pay up their share of that tax, but to take care that whatever money they gave was kept safe till further orders.[2] Their compliance with these exhortations was made none the easier by the arrival, just before Christmas, of a papal messenger, Master Otto, and his presence in England during the next four months. The expenses which fell upon persons who went on business to the Roman Court were a subject of general complaint; Honorius proposed that this should be remedied by the reservation of a prebend in every cathedral and collegiate church, and a certain proportion of the revenue of every bishop and every religious house in all the realms of Latin Christendom, for the Apostolic See, so that the Pope and the officers of his court might have sufficient means to dispense with the need of charging such heavy fees.[3] A council assembled at Bourges on S. Andrew's day [4] opposed this project so strongly that Cardinal Romanus decided to urge it no further in France till it should be accepted in the Empire, England, and Spain.[5] In England, whither the Pope's demand was carried by Otto, the need of consulting all the estates of the realm, and the King's illness in January, 1226, served as reasons or excuses for deferring a decision till the middle of April. Then, according to one account, the King and the prelates followed the cautious example of their French brethren, saying they would wait to see how other countries would deal with the question; or, according to another authority, they answered that in any case England ought to be free from such an exaction, by reason of her annual tribute to the Pope.[6] But that tribute was heavily in arrear, and obviously it was not to be expected that either Otto or Honorius would be satisfied till the arrears

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[1] *Pat. Rolls*, vol. i. pp. 560-564.

[2] *Ib.* pp. 572, 573.

1225 —

1226

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[1] *Pat. Rolls*, vol. i. p. 585; also in W. Cov., vol. ii. p. 256.

[2] W. Cov., vol. ii. p. 257.

[3] *Ib.* pp. 274-276.

[4] *Chron. Turon.*, p. 310.

[5] W. Cov., vol. ii. p. 279.

[6] Cf. R. Wend., vol. iv. pp. 107, 115, 116, 123, 124, W. Cov., vol. ii. pp. 278, 279, and *Ann. Dunst.*, p. 99.

1226 — were paid up. This, therefore, had to be done, and a sum of over fifteen hundred marks went with Otto back to Rome.[1] All this while Otto's long stay had been adding to the financial burdens of the English clergy, for a papal envoy was entitled to claim from every cathedral and collegiate church procurations to the amount of forty shillings; although Otto seems to have contented himself with a smaller sum.[2] In 13 *Oct.* October the clergy made their grant to the Crown; it consisted of a sixteenth of the annual income of their benefices.[3]

Meanwhile Henry was chafing under the Papal command to refrain from war in France while Louis was on crusade. Again he sought to form alliances among the neighbours and the disaffected feudatories of the French King; in April he was negotiating with the Duke of Lorraine,[4] in October he was making plans—which however came to nothing—to marry the daughter of the Duke of Britanny.[5] Suddenly the political situation in France changed. On 8th November Master William Pierepunt's forecast came true; Louis of France died at Montpensier in Auvergne.[6] His successor was a boy ten years old. Neither the late King nor his father, Philip Augustus, had been liked by the barons, and many of these seized the occasion to assail the Queen-mother, Blanche of Castille, with demands for the restitution of sundry liberties of which, they said, Louis VIII and Philip had deprived them.[7] The coronation, on 30th November, was almost if not quite as scantily attended as the first crowning of Henry had been.[8] Henry at once despatched the Archbishop of York, Philip d'Aubigné, and some other envoys, to the chief nobles of Normandy, Anjou, and Poitou, and to the Duke of Britanny—all lands which, from his point of view, ought rightfully to be subject to himself—announcing his intention of going over sea, and calling upon them to receive him loyally.[1] On 18th December elaborate schemes of concessions to Hugh and Isabel, and also to Hugh of Thouars[2] and William Larchevêque, were drawn up, witnessed, and sealed ready for despatch, but they were never sent.[3] Perhaps they were deemed needless owing to a piece of news which may have arrived from Aquitaine: Savaric de Mauléon had on the death of Louis VIII reverted to his old allegiance, and opened the gates of La Rochelle to Richard.[4] Henry, however, was not ready for immediate action on a great scale; and at Mid-Lent (18th March), 1227, a truce was made between Richard of Poitou on the one part, and Louis IX, Blanche, Hugh of Lusignan, and their adherents on the other, to last till a fortnight after Midsummer.[5] 1226 — 1227

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[1] *Close Rolls*, vol. ii. pp. 149, 149 b; *Pat. Rolls*, vol. ii. p. 24, and cf. *ib.* pp. 27, 28.

[2] Cf. R. Wend., vol. iv. pp. 118 and 108.

[3] *Ann. Osen.* and *Wykes*, a. 1226, p. 67. *Pat. Rolls*, vol. ii. p. 64.

[4] *Pat. Rolls*, vol. ii. p. 27.

[5] *Ib.* pp. 153, 154.

[6] *Chron. Turon.*, p. 317.

[7] Cf. R. Wend., vol. iv. pp. 135, 136, and *Chron. Turon.*, p. 318.

[8] R. Wend., vol. iv. p. 136.

The English court had spent the Christmas of 1226 at Reading[6] and thence moved on by way of Wallingford to Oxford.[7] What took place there, before the festal gathering usual at the season broke up, is related by the King himself in a circular letter issued on the 21st January, 1227, to all the sheriffs of England: "Be it known to you that by the common counsel of the Archbishop of Canterbury, the bishops, abbots, earls, barons, and other our magnates and faithful men, we recently at Oxford provided that henceforth we will cause charters and confirmations to be made under our seal. And we therefore bid you without delay publicly proclaim and make known to all persons in your bailiwick who have, or claim to have, lands or tenements or liberties by grant or concession and confirmation of our ancestors the Kings of England, or by our precept, that they come to us without fail before the beginning of this approaching Lent of the eleventh year of our reign, to shew us by what warrant they have, or claim to have, those lands

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[1] R. Wend., vol. iv. pp. 136, 137. Archbishop Walter went at some date between 1st December, 1226, and 7th January, 1227, *Pat. Rolls*, vol. ii., pp. 94, 106, and the Bishop of Carlisle seems to have gone with him, *ib.* p. 107.

[2] Brother and successor of Almeric, who died in March, 1226; *Chron. Turon.*, p. 313.

[3] *Pat. Rolls*, vol. ii. pp. 99, 100, 102, 103, 153.

[4] *Chron. Turon.*, p. 318.

[5] *Foeaera*, I. i. pp. 186, 187.

[6] R. Wend., vol. iv. p. 138; *Close Rolls*, vol. ii. p. 162.

[7] Wallingford, December 29th, 30th; Oxford, 31st; Woodstock, 1st-7th January; Oxford, 8th-10th; Reading, 11th-13th; *Close Rolls*, vol. ii. pp. 163 b-166; cf. *Pat. Rolls*, vol. ii. pp. 105-107.

1227 — or tenements or liberties, as they desire to keep or to recover them. You are also to make known to all persons in your bailiwick, and cause to be publicly proclaimed, that whosoever shall desire to obtain at any time our charter or confirmation of lands, tenements, markets, liberties, or anything whatsoever, let them come to us before the same term, to ask for our charter or confirmation thereof."[1] 8-10 Jan. Thus in the second week of January, 1227, three months after the completion of Henry's nineteenth year, the Great Council of the realm sanctioned his release from the one restriction which in 1223 the same authority had decided should still remain imposed for a while upon his exercise of regal power. In what manner and on whose initiative this step was taken we do not know. The only chronicler who even professes to give any account of the matter asserts that Henry "declared before all" the Council "that he was of legal age, and henceforth, being set free from wardship, would order the affairs of the Crown as a prince"; and that the announcement about charters caused a great commotion, for which the Justiciar was universally held responsible, as the instigator of the King's action.[2] But this writer's account of that action, and of its accompanying circumstances, is too full of demonstrable confusions and inaccuracies to be worthy of confidence in any particular.[3]

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[1] *Close Rolls*, vol. ii. p. 207.

[2] R. Wend., vol. iv. pp. 139, 140.

[3] Roger dates these proceedings "mense Februario," which the letter close shews to be a month too late; he says that Henry thereupon "excussit se per consilium Huberti de Burgo, justiciarii regni, de consilio et gubernatione dicti episcopi [Wintoniensis] et suorum, qui regi fuerant prius quasi paedagogi, ita quod omnes illas a curia sua et cohabitatione removit" (p. 139), whereas Peter had been removed from his tutorship six years before; and he travesties the proclamation about charters as follows: "In eodem itaque concilio rex fecit cancellare et cassare omnes chartas de provinciis omnibus regni Angliae de libertatibus Forestae, postquam jam per biennium in toto regno fuerant usitatae, hanc occasionem praetendens quod chartae illae concessae fuerant, et libertates scriptae et signatae, dum ipse erat sub custodia, nec sui corporis aut sigilli aliquam habuerit potestatem, unde viribus carere debuit quod sine ratione fuerat usurpatum. . . . Tunc vero denuntiatum est viris religiosis et aliis qui suis volebant libertatibus gaudere, ut innovarent chartas suas de novo regis sigillo, scientes quod rex chartas antiquas nullius esse momenti reputabat" (pp. 139, 140). The King's instructions to the sheriffs say not a word of the Forest Charter, and were obviously never meant to apply either to that document or to the Great Charter; and what they do say about other charters is completely misrepresented by the last clause of Roger's concluding sentence.

The suggestion may very likely have come from Hubert; but 1227 we need not accept for truth the insinuation which Hubert's enemies seem to have induced Henry to believe at a later time, that Hubert was actuated mainly by a desire to secure for himself a grant in perpetuity from the Crown.[1] Nor was there in the King's proposed action any thing from which the other members of the Council could fairly withhold their consent. At the close of a long minority following on a period of confusion and civil war, it was not unreasonable—at any rate according to the ideas of that age—that there should be a general scrutiny of title-deeds which emanated or purported to emanate from the Crown, with a view to ascertaining their genuineness and validity, and thus safeguarding the rights both of the grantees and of the King. Whatever had been granted since Henry's accession had been granted by a royal "precept," not by charter; if such a grant was to be made permanent a charter would be necessary to make it so; and the letter of 21st January, fairly construed, implies no design of invalidating any earlier grants except such as should on examination prove to be inherently void. But the practice of seeking from the reigning sovereign confirmation of grants made by his predecessors was, and had been for centuries, so common that the King's comprehensive invitation to "all who desired his confirmation of anything whatsoever" was certain to meet with an almost equally comprehensive response. On the other hand, every one knew that such grants always had to be paid for. In this latter circumstance may be seen the reason why Henry and his ministers were now so anxious to ante-date his full majority. The young King's heart was set upon a great expedition over sea; the war-chest was empty;[2] the payments for confirmations of royal grants would substantially—perhaps more substantially than any other scheme that could have been devised—help to fill it.

It is doubtful whether the far-off guardian who for ten years had watched over the interests of John Lackland's heir

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[1] *Respons.*, p. 69.

[2] In the early part of December, 1226, the Archbishop of Dublin and the clergy of the March in Ireland had been entreated to send an aid to the King; *Pat. Rolls*, vol. ii. pp. 100-104.

1227 — and of his realm ever knew of his ward's self-emancipation; for Honorius III died on 18th March, 1227. Some years later a transcript of one of the letters by which he had sanctioned Henry's coming of age in 1223 appears to have been prepared by Bishops Peter of Winchester and Hugh of Ely for transmission to his successor Gregory IX;[1] whether in consequence of some inquiry addressed to them by Gregory on the subject, we cannot tell. The authorizations given by Honorius were wide enough to cover the proceedings of January, 1227, without any need of further ratification from Rome. If those proceedings did reach the ears of the dying Pontiff, he may well have rejoiced to know that he would not have to leave his task of guardianship unfinished, and that this part of his burden of responsibility and care would not pass to the next Pope. Henceforth Henry of England must indeed be accounted as of full age, and answerable for himself and his realm.

[1] See Note VII.

# NOTES

## NOTE I

### THE TRUCES OF 1216–1217

THE accounts of the truces made between Henry and Louis in the winter of 1216–1217 are so conflicting that it seems impossible either to reconcile them or to arrive at a precise conclusion as to all the facts and dates. The documentary evidence on the subject is unluckily very scanty ; it consists—so far as I have been able to ascertain—only of two entries in the Patent Roll of 1. Hen. III (Oct. 1216—Oct. 1217). The first of these is a notice, dated 28th December, 1216, from Henry to Louis, concerning claims of redress for injuries done "infra treugas inter nos captas" (*Pat. Rolls*, vol. i. p. 107). The second is a report, addressed by the Marshal and Council to Louis, of a meeting held "die Jovis in crastino S. Petri" between the *emendatores treugae* on both sides, "ad emendaciones capiendas et faciendas de interceptionibus factis in prima treuga et secunda, et ad treugam faciendum observari et tenere" (*ib.* p. 109). This letter is dateless ; it is entered on the Roll between a letter dated 28th February and one dated 10th March. "Thursday the morrow of S. Peter" probably means 19th January, the day after the festival of S. Peter's Chair at Rome, which festival fell on a Wednesday in 1217. The feast of S. Peter's Chair at Antioch, 22nd February, was also a Wednesday in that year ; but it is hardly possible that this talk about truces could have been going on as late as 23rd February, only five days before the "Crusaders" mustered at Dorking proclaimed their intention of expelling Louis from Rye (see above, p. 24).

From these entries, then, it results that there were two truces, one of which was existing on 28th December, 1216 ; that a second truce was made before 19th January, 1217 ; and that *a* truce—either this second truce, or a third—was existing at some date posterior to 19th January, 1217.

The *Hist. G. le Mar.* states that when the garrison of Hertford (besieged by Louis 11th November, 1216, see above, p. 18) became hopeless of relief, "Cil qui devers le rei se tindrent A Loeis por trieve vindrent De vint jor, e si lor dona, Par fei c'on li abandona Berkamestoude e Herefort; Seisis en fu, fust dreit ou tort" (ll. 15717–28); and that "Quant ceste trieve fu faillie, Cil qui aveient la baillie Autre trieve de vint jors pristrent, Sanz le Mar.; si mespristrent, Quer il baillerent deus chasteals Riches e forz e buens e beals; Ce fu Norviz e Orefort" (ll. 15735–41). The Chron. Merton (Petit-Dutaillis, p. 514) says: "Hoc anno [1216] facta fuit pax circa festum S. Andreae, quae duravit usque ad octabas S. Hillarii, inter Lodovicum et Henricum regem Angliae," adding a detail which may be safely ignored—that the truce was purchased at the price of seven thousand marks paid to Louis. The Barnwell annalist says: "[Lodowicus] applicuit castra ad castellum cui nomen Berchamstede . . . . sed quoniam Natale Domini instabat, firmatae sunt treugae generales inter partes usque ad octavas Epiphaniae, reddito quod obsidebatur castello pro treugarum impetratione . . . . Post Natale Domini, durantibus adhuc treugis, convocaverunt fautores suos ad concilium Lodowicus apud Grantebriggiam, tutores regii apud Oxoniam. Elaboratumque est ut aut inter partes pax firmaretur, aut treugae prolongarentur. Sed cum paci detrectarent Angli qui cum Lodowico erant, protendereturque de treugis ineundis consilium, obsedit ipse castellum cui nomen Odingham [*i.e.*, Hedingham, see Stubbs's notes, p. 235, note 2, and pref. p. ix., note 2]. Redditum est autem ei tunc temporis castellum illud, et castellum Orefordiae, praesidiumque Nortwici, et praesidium Colecestriae, pro treugis usque ad mensem post Pascha" (W. Cov., vol. ii. pp. 234–5). Roger of Wendover mentions only one truce, which he represents as made in consequence of the tidings received by Louis as to the Pope's intention of excommunicating him on Maundy Thursday: "Hac itaque de causa statutae sunt treugae inter Lodowicum et regem Henricum usque ad mensem de Pascha, ita scilicet ut omnia remaneant in eo statu quo fuerunt in die quo juratae fuerunt treugae, in castellis et rebus aliis, usque ad terminum constitutum" (vol. iv. p. 11). He has, however, previously stated that Berkhamsted surrendered "post diutinam obsidionem, ex praecepto regis" (*ib.* p. 6). These words, taken in connexion with the Biographer's story, suggest that that story is correct, and that Waleran held Berkhamsted in defiance of the truce till he was peremptorily ordered by the Council to give it up. This first truce, then, seems to have been made not later than 6th December, the day on which Hertford surrendered (above, p. 18); it may have been made, as the Merton Chronicle asserts, a week earlier, and Walter de Godardville may, like Waleran, have ignored it as long as he could. If it were made on S. Andrew's day, it would—supposing the Biographer to be right about its duration—expire on 20th December, the day on which Roger says that Berkhamsted surrendered. The Biographer seems to imply that the second truce commenced immediately on the expiration of the first; and twenty days from 20th December bring us to 9th January. If, however, the first truce began on 6th December, it would end on 26th December; and this would bring the termination of the second truce to 15th January. These dates agree neither with the Barnwell annalist's "octave of Epiphany" nor with the Merton Chronicler's "octave of S. Hilary"; and what is of much more consequence, even the latest date alleged for the expiration of the second truce—that given by the Merton writer, 20th January—fails to account for the letter patent which shews that there was a truce not merely unexpired, but, seemingly, not even approaching expiration, as late as 19th January. There seems to be no way of overcoming this difficulty except by supposing that the second truce was followed by a third. My belief is that this was so, and that the key to the whole puzzle about the truces and the surrenders of castles in 1216–1217 is to be found in the words of the Barnwell annalist. This writer appears to me to deal with the various truces made between the end of November, 1216, and the end of February, 1217, not singly, but in a group. His account of the *treugae generales* up to the meeting of the rival councils at Oxford and Cambridge includes, *explicitly*, what may be called the Biographer's first truce ("reddito quod obsidebatur castello," *i.e.*, Berkhamsted—and Hertford—"pro treugarum impetratione" (cf. *Hist. G. le Mar.* ll. 15717–28); *implicitly*, the Biographer's second truce ("Autre trieve de vint jors," ending *approximately* "ad octavas Epiphaniae"); and *implicitly* also, I venture to think, a *third* truce ("*durantibus adhuc treugis* convocaverunt fautores suos . . . . tutores regii apud Oxoniam," as we know from the Close Roll, *after* the octave of Epiphany (see above, p. 19). After mentioning the two councils and the fruitless negotiations for peace, the annalist tells us that yet *another* truce (seemingly the fourth) was proposed; and he winds up the whole subject by giving us, *not* the conditions or the results of that particular proposal, but a general list of the castles—Hedingham, Orford, Norwich, Colchester—which "tunc temporis" (*i.e.* within the last five or six weeks) had, in consideration of the successive truces since the first, been surrendered to Louis, and of which the undisturbed possession was now secured to him for a further period of some two months or more, "pro treugis ad mensem post Pascha." In a word, the Barnwell writer tells that these four castles were, at some time between the middle of December, 1216, and the middle of February, 1217, bartered for renewals of the truce which had begun with the surrender of Berkhamsted; but which particular castles were bartered for which particular renewal, he leaves us to make out for ourselves. The task is perhaps not so difficult as it looks at first glance. The *Histoire des Ducs* gives an independent list, somewhat fuller than the Barnwell writer's, of Louis's gains after Hertford and Berkhamsted: "Puis prist le castiel de Colecestre e celui d'Orefort e celui d'Ingehem" [Hedingham] "e celui del Plasseis e Cantebruge, e moult d'autres fortereces . . . La cites de Norewis li fu rendue" (*Hist. Ducs*, p. 182). The word *prist* here would, if we had no other version of the story, naturally appear to mean "took by force"; but our other evidence shews that, with regard to Orford at least, it is in reality only equivalent to the phrase used by the same writer concerning Norwich, and by the Barnwell annalist concerning not only Norwich and Orford, but also concerning Hedingham and Colchester—"li fu rendu," "redditum est." We know from the Biographer that Norwich and Orford were the price of the second truce. We know from the combined evidence of the Barnwell annalist and the Close Roll that Cambridge had passed into the hands of Louis perhaps before S. Hilary's day, certainly not later than ten days after its octave. We also know, from the Barnwell annalist, that Louis did not gain possession of Hedingham till after the simultaneous councils at Oxford and Cambridge. The inference seems plain : Cambridge and either Colchester or Pleshey were surrendered for the third truce ; Hedingham, and whichever of the other two places had not been surrendered on the same occasion as Cambridge, formed the price of the fourth truce, the truce which was made after the councils (*i.e.*, at the end of January or beginning of February), to last, as we learn from Roger of Wendover as well as from the Barnwell writer, till a month after Easter. The Flemish writer's words about "many other castles" are probably an exaggeration ; there is nothing to indicate what these other castles were ; in any case they must have been of small importance.

One difficulty remains : the Biographer's assertion that the second truce was made "sanz le Mareschal." It seems impossible that this can be correct ; no "general truce" between Henry and Louis, such as is clearly indicated by the letters patent, could have been made "without the Marshal," *i.e.*, without his participation and sanction as governor of King and kingdom. We may, perhaps, account for the Biographer's mistake—for mistake it must surely be—somewhat as follows. The policy of the Royalist leaders in negotiating truces on such terms was doubtless too subtle for the understanding of most of the rank and file of their party ; it seems to have been too profound for the understanding of the sturdy German constable of Berkhamsted, perhaps also for those of Falkes's Norman lieutenant at Hertford and of the constable of Hedingham. The Marshal's biographer evidently did not comprehend its object at all, and so disapproved of it utterly. He hints at his disapproval of the cession of Hertford and Berkhamsted—"Seisis en fu, *fust dreit ou tort*" ; he gives us his undisguised opinion that when "cil qui aveient la baillie autre trieve de vint jors pristrent" at the price of evacuating Orford and Norwich, "*si mespristrent.*" On the other hand, he was not willing to admit that his hero could do wrong ; so he decided—with a bold disregard of what was implied in his own statement that the terms were arranged by "cil qui aveient la baillie"—that this "mistake" must somehow have been made without the Marshal's concurrence.

## NOTE II

### THE BLOCKED GATE AT LINCOLN

The story of Bishop Peter's discovery of the blocked gate runs thus :

> "Par un postiz a pie eissi
> En la vile, car il voleit
> Veeir coument ele seeit.
> E comme il esgardout issi,
> Une vielle porte choisi
> Qui ert de grant antequite
> E qui les murs de la cite
> Joigneit ovec cels del chastel.
> Quant il la vit, molt li fu bel,
> Mes el fu ancienement
> Close de piere e de ciment,
> Si que nuls entrer n'i puust
> Por nul besoing qu'il en eust.
> Quant li evesques ont veue
> Cele porte e aparceue,
> Por le chastel plus enforcier
> La fist abatre e trebuchier,
> E que l'ost veist e seust
> Que seure entree i eust."
>
> (*Hist. G. le Mar.*, ll. 16500-16518.)

The only two points where the walls of Lincoln city were ever "joined," in any way whatever, "with those of the castle," are the two which I have mentioned in p. 35, viz., the north-western and the south-western angles of the castle enclosure. At the former of these two points stood, we know, the West Gate of the medieval city ; and this Professor Oman (*Art of War in the Middle Ages*, p. 410) considers to have been the blocked gate of the poet's story. I have said in my text that the blocked gate "seems" to have been the West Gate, because it is quite possible that there may have been a gate opening from the city at the other junction-point of the two walls, immediately to the south of the castle ditch. Unfortunately there is no evidence whether a gate at this point ever existed or not. Two considerations arising out of the poet's story may seem at first glance to raise a slight presumption in favour of the hypothesis that a gate did exist there, and was the one which he had in mind. I think however that in both cases the presumption is more apparent than real.

1. The poet represents Peter as setting out on his reconnaissance in the city from the keep of the castle. He must, as M. Meyer says (*Hist. G. le Mar.*, vol. iii. p. clix), have issued from the small door opening at the south-western angle of the keep. He would therefore, on reaching the further side of the ditch, find himself close to the southern junction-

point of the castle wall and the city wall. If there was a gate at this point, and if it was the blocked one, his discovery of it and his return to the castle might have been effected in a few minutes, without difficulty or danger. If, on the other hand, the blocked gate was the West Gate proper, he could not have seen it from the city without going all round the southern, eastern, and northern sides of the castle, by a route answering roughly to the present Drury Lane, Bailgate, and Westgate, right through the heart of the city, and he must have returned by the same lengthy and frequented way to the door in the keep whence he had set out ; an adventure which it seems hardly possible he could have achieved in safety, except under one condition. That condition, however, we may surely take for granted ; it seems matter of course that before he ventured outside the castle walls he would disguise himself so as to look like an ordinary citizen going about his ordinary business in the city. In that case the longer expedition might be quite practicable, and really attended with very little risk. Moreover, if the blocked gate was the West Gate, Peter must have known of its existence before he entered the castle at all, for in going from the host to the sally-port he would pass before the outer side of the West Gate ; and this would go far to account for his eagerness to explore the city—in other words, to ascertain what was on the inner side of a blocked-up gate whose outer side had already attracted his notice.

2. If there was a gate at the southern junction of the walls, it would very probably be "of great antiquity"—as old as the second Roman occupation of Lindum ; for the wall itself thereabouts was certainly Roman, as some fragments still remaining testify to this day. The West Gate, on the other hand, in 1217 could not well be more than a hundred and fifty years old. But the poet's description of the blocked gate as "une vielle porte qui ert de grant antequite" is a detail which—like his use of the word *ancienement* in l. 16509—need not be taken literally. Such phrases, when used by even a prose writer in an uncritical age, may mean almost anything ; moreover, epithets and descriptive phrases of all kinds when used by a medieval writer of verse may occasionally mean nothing. The poet had probably never seen the gate which he was describing ; those who told him about it were soldiers, not archæologists ; neither he nor they could have a very definite idea as to when it had been built, or how long it had been obstructed. Possibly, however, his use of the expressions above quoted may be accounted for in another way. Lincoln "above hill" unquestionably possessed one gate which even in 1217 could hardly fail to strike the most ignorant observer as being already "of great antiquity." Some of the poet's informants may have mentioned this to him, without specifying that it was the North Gate or giving it a name. Others may have told him that the North Gate was called New Port. If he was not further told that the "New Port" and the ancient gate were identical, the fact of their identity could not possibly enter his head ; and as the North Gate and the blocked gate were evidently the only two gates (of the city) which

played any part in the day's fighting until it reached the Bar-Gate far away to the south beyond the river, he would naturally conclude that since the first was the "new" gate, the second must be the ancient one.

The real difficulty of the passage is in ll. 16515–16: "*Por le chastel plus enforcier* La fist abatre e trebuchier." How could the clearing out and opening of a city gate—whether it were the West Gate or a hypothetical gate further south—tend to reinforce, or strengthen, the castle? Professor Tout, who rejects the whole story of Peter's reconnaissance, suggests (though without citing these lines) that if any blocked-up gate was re-opened, it may have been the great west gate (or sally-port) of the castle. He thinks that this gate may have been "walled-up" as a measure of precaution, the postern serving in its stead for ordinary communications, and that the difficulty of passing a large number of men through an entrance so small and inaccessible as the postern may have led to the reopening of the great gate, "so that the relieving force could send a strong detachment into the enclosure" (*Eng. Hist. Rev.*, vol. xviii, p. 250, note). But this—whether it was the fact or not—was certainly not the idea of the poet; for (1) the castle sally-port does not "join the walls of the city with those of the castle"; and (2) it is not (as the poet clearly represents *his* blocked gate t have been) visible from inside the city.

## NOTE III

### FALKES DE BRÉAUTÉ AT LINCOLN

The story of Falkes's entrance into the castle and his sally thence into the town rests on the authority of Roger of Wendover (vol. iv. p. 22). In the *Hist. G. le Mar.* the only mention of Falkes in the whole account of the day is in the following lines: "E quant les gens Fauques oïrent Itels moz" [*i.e.*, Bishop Peter's report to the host about the gate] "molt s'en esjoïrent; Trestot avant dedenz entrerent, Mes leidement les reuserent Cil dedenz, qu'il n'i furent gueres; Tost lor changierent lor afeires" (ll. 16535–40). Professor Tout (p. 251) says the poet's "story supposes that Falkes did not enter the castle, but penetrated directly into the town. This is clear from the fact that when beaten they" (?) "were driven out into the open country. There the bishop encountered somewhat later the fugitive soldiers and roughly maltreated them for their cowardice." For this statement he cites as his authority ll. 16573–6: "E quant les servanz encontrerent Qui leidement parti s'en erent Molt les leidirent cil qui vindrent Quand dedenz la presse les tindrent." This passage is separated from the one which I have quoted above by thirty-three lines; and these thirty-three lines are entirely occupied with the discourse between the bishop and the Marshal, and the mission of the scouts, summarized in my p. 39. There is nothing to connect ll. 16573–6 with either Falkes or Peter. *Cil qui vindrent* cannot refer to the bishop *individually*. There is nothing to identify the "servanz qui leidement parti s'en erent" with Falkes's men; nothing to suggest that Peter was one of "those who came" (whence and whither we know not) and "met them" [*i.e.*, the "servanz"] and "greatly abused them when they had them fast in the crowd"; and nothing to indicate that this meeting, described by the poet as having taken place *dans la presse*, occurred as Mr. Tout says it did, in "the open country"; nothing to connect these four lines with anybody or anything previously mentioned in the poem.

In connexion with this point it will be well to consider an apparent difficulty in ll. 16541–5: "Li avesques al Mar. dist: 'Par mon chief! cist ont mal fait, Car c'est la verite provee Qu'il n'ont pas unquore trovee La dreite entree" etc. (see above, p. 39). In the poem as we now have it this passage immediately follows the one about Falkes; *cist* in l. 16542, therefore, would seem to refer to Falkes and his men. As, however, any thing that happened to Falkes and his men must have happened inside either the castle or the city, it could not become known to those who were still outside the western wall so speedily as this interpretation would imply; and I venture to think we may find a probable explanation of the difficulty, without supposing the poet to have been either so confused about the topography, or so careless, as to overlook this obvious fact. The obscurity and seeming incompleteness of the passage relating to Falkes, and the abruptness of the transition in ll. 16540–41, strongly suggest a *lacuna* in the MS. at this point. If there be one, it is probable that the missing lines contained some further account of Falkes's mishap; it is possible that they may have also contained an account of some other transaction, the actors in which were the subjects of Peter's comment recorded in ll. 16541–5; and it is further possible that that transaction may have been the attack on the North Gate recorded by Roger of Wendover.

## NOTE IV

### THE END OF THE BATTLE OF LINCOLN

Of the closing scene of the battle of Lincoln there are two accounts; one by the Biographer of the Marshal, the other by Roger of Wendover.

(1) The Biographer, after describing the fight on the bridge, the accident which there befell William Bloet, and the capture of the two De Quincys and others, continues thus:—

> E li sorplus torna en fine
> Tote la rue contreval
> Qui s'en veit dreit a l'hospital.
> Molt lor sembla la veie forte
> Dusqu' a la dererene porte;

La lor avint une aventure
Qui mult lor fu pesante e dure,
C'une vache entra en la porte,
En cele qui le fleel porte,
E la porte se clost aval
Issi que nuls homme a cheval
N'i passast en nule maniere.
Lors ne porent avant n'ariere;
Mes cil qui angoissos en erent
De issir s'en la vache acorerent."

*Hist. G. le Mar.*, ll. 16940-54.

(2) Roger makes no mention of the rally of the French in the lower town, the second fight on the hill-top ("entre le chastiel e le moustier," see above, pp. 42, 43), the second retreat or flight of the French down hill, and the last fight on and near the bridge; he ends the battle with the death of Perche, and then goes on thus: "Videntes igitur Galligenae phalanges quod major eorum cecidisset, inierunt fugam tam pedites quam equites sibi nimis damnosam; nam flagellum portae australis, per quam fugerunt, quod ex transverso illius portae fuerat fabricatum, fugientes non mediocriter impedivit; etenim quotiescunque aliquis adveniens exire voluit, oportebat eum ab equo descendere et portam aperire, quo exeunte porta denuo claudebatur flagello ut prius posito ex transverso; sicque porta illa fugientibus nimis molesta fuit" (vol. iv., p. 23).

At first glance these two accounts might seem to relate to two distinct occurrences at two different gates. "La dererene porte," which the cow blocked against the fugitives when they had been driven beyond the bridge "tote la rue contreval qui s'en veit dreit a l'hospital," is clearly the Great (or West) Bar-Gate. This was quite literally the "outermost" or "hindermost" gate of Lincoln to the southward; and outside it, on the south side of the Sincil Dyke, stood two hospitals, one belonging to the Order of Sempringham and named after the Holy Sepulchre, the other a lazar-house dedicated to the Holy Innocents (Sympson, *Lincoln*, pp. 386, 338, 344, 351). On the other hand, Roger's *porta australis* with the inconvenient sliding bar might, if we looked at his story alone, be taken to represent the south gate of the city proper, *i.e.*, the Stone Bow. But a comparison of his story with that of the poet shews this to be impossible. Had it been the case, the greatest capture of prisoners must have taken place *inside* the gate; whereas the Biographer clearly indicates that most of the rebel barons (the De Quincys, Fitz Walter, "e moult d'autres dont point ne m'ennuie") were captured in the fight on and near the bridge, *i.e.*, *outside* the Stone Bow (ll. 16828–16939); and even after all this, there were still so many left that when the "hindermost gate" was at last reached, "*La* fu plus fort li encombriers, *La* ont molt pris de chevaliers" (ll. 16955–6). Moreover, ll. 16947–51 ("En la porte . . . nule maniere"), especially ll. 16947–8, where this same "hindermost gate" is specially distinguished as *cele qui le fleel porte*, tally so closely with Roger's words about the *flagellum* and its effects that we cannot separate the two incidents. The difference between the two accounts is simply that the poet gives us the whole topography and tells the whole story, cow and all, while Roger leaves out the cow-incident, just as he has left out several things of far greater importance (the second rally and repulse of the French among them) in his story of the battle as a whole.

## NOTE V

### THE TREATY OF KINGSTON

There can be no reasonable doubt that the series of dates so carefully given in our fullest and most strictly contemporary account of the transactions connected with the treaty between Henry and Louis—the account in the *Histoire des Ducs de Normandie*—is correct. One of the best contemporary English authorities, the Chronicle of Merton, is in accord with it as to the dates on which the treaty was made and Louis was absolved: "Hoc anno" (1217) "facta est pax . . . in quadam insula extra Kingestune, feria tercia ante Exaltationem S. Crucis" (*i.e.*, Tuesday, 12th September), "et in vigilia Exaltationis" (Wednesday, 13th September) "absolutus est dominus Lodowicus in eadem insula" (*Chron. Merton*, *apud* Petit-Dutaillis, pp. 514–515). Nearly all the other English chroniclers give a wrong date to the peace; some make it 11th September, others 13th September. The Patent Roll of 1216–17 settles the point against them all; "Si Reginaldus de Cornhill terminos redempcionis suae, statutos ante *diem Martis proximam ante Exaltacionem Sanctae Crucis* anno regni nostro primo, *qua pax reformata fuit* inter nos et Lodovicum domini regis Franciae primogenitum, servaverit," etc. (*Pat. Rolls*, vol. i. p. 95, 25th September, 1217).

The Barnwell annalist (W. Cov., vol. ii. p. 239) gives no date for the peace, but says Louis was absolved "die Mercurii proxima post Exaltationem S. Crucis," *i.e.*, 20th September. Curiously enough, the copy of the treaty printed by D'Achéry (*Spicilegium*, ed. 1723, vol. iii. pp. 586–7) appears to have borne the date "Lamech, anno ab Incarnatione Domini MCCXVII, XX die Septembris." Rymer, whose text (*Foedera*, I. i. p. 148) corresponds almost *verbatim* with D'Achéry's in all other respects, has the word *undecimo* instead of the numerals XX. The title of "treaty of Lambeth," by which—in defiance of all our authorities—the agreement is commonly known, is derived solely from the dating clause as printed by Rymer and D'Achéry. No original copy of the treaty appears to be now known. In the eighteenth century three versions of it were printed, one by Rymer, one by D'Achéry, a third by Martène and Durand (*Thesaurus Anecdotorum*, vol. i. pp. 857–859, ed. 1717). As to the source of Rymer's copy we know absolutely nothing. D'Achéry's text was taken from the cartulary of the monastery of S. Giles at Pontaudemer, that of Martène and Durand—which has no date at all —"ex MS. illustrissimi Marchionis Daubais." Both of these must obviously have been mere copies; and they differ so widely from each other that they cannot have been derived, even remotely, from one and the same original. The Daubais text not only omits several clauses entirely, as well as all mention of place, date, witnesses, and seals, and gives other clauses in a shortened form, but it inserts one interesting clause of which there is no trace anywhere else—that about the Exchequer documents (above, p. 59, note 4). The Pontaudemer text, on the other hand, is, except as regards the date, practically identical with that which, for want of knowing its source, we can only call Rymer's. This last contains some verbal corruptions which may be due to Rymer himself; while in D'Achéry's printed text there is at least one obvious error—the Legate's name is given as "Gualterius." The terms of the treaty in the Rymer-Pontaudemer version are substantially the same as those indicated by the chroniclers. The list of attestations comprises only the names of the signataries on the English side; they are the Legate, the King, the Regent, the Justiciar, the Earls of Chester, Salisbury, Warren, and Arundel, William d'Aubigny, William Brewer, William Marshal the younger, Falkes de Bréauté, Ralf de Mortimer, "L. de Erdivert," Robert de Vipont, Geoffrey de Neville, Brian de Lisle, Philip d'Aubigné, and Richard the late King's son; all of whom are stated to have set their seals to the treaty. This is a somewhat puzzling statement in view of the fact that the King had as yet no seal of his own. It may be that the Marshal's seal on this occasion did duty twice, once for its owner and once for his royal ward; though we should have expected, if this were so, to find an explicit mention of the circumstance.

To me there seem to be only two alternative theories by which the printed texts of the treaty can be reconciled with each other and with the evidence of the chronicles: (1) that the document of which Rymer and D'Achéry each had a copy before him was a transcript (more or less exact) of the body of the original treaty of Kingston, to which the list of signataries and the date had been added (the latter incorrectly) from some unknown source; or (2) that the opening words— "Haec est forma pacis facta," etc. (Rymer) or "Haec est forma finis et concordiae facta," etc. (D'Achéry)—were in each case the unauthorized addition of a scribe, and that the original document was not an actually executed treaty, but the draft which Hugh de Malaunay carried to Louis on 11th September (above, p. 56), and that this draft was sealed by the Legate, King, and councillors, as a pledge of its authenticity and of their intention to abide by its contents. I incline to the latter alternative, for the following reasons:—

(1) The so-called "form of peace" speaks throughout of what Louis and Henry *shall* promise and swear, never once of what they *have* promised and sworn. It seems therefore to date from a time previous to the solemn oaths which Roger of Wendover says they took at

Kingston. The actual treaty would not be sealed till the oaths were sworn.

(2) The difficulty about the dates, both of time and place, practically disappears if we adopt the second theory. The date in Rymer can hardly be explained away as a transcriber's error, because the word *undecimo* is given in full; it must be either correct, or a downright blunder. Now, we know from *Hist. Ducs* (p. 203) that 11th September was the day on which Malaunay carried back to Louis the "form of peace drawn up in writing" (R. Wend., vol. iv. p. 30; cf. above, pp. 56, 57) for his acceptance. The Pontaudemer text may have been transcribed from a copy in which the word had been translated into numerals, and if so, "XI" might easily become "XX" in transcription. As for the place, we know that King and regent were at Chertsey every day from 6th September to 12th September, both days inclusive, and we possess no other notice of their having gone to Lambeth on the 11th; but there is no reason why they should not have done so; a prolongation of the truce till the 14th had been guaranteed on the 10th, and it would be quite safe and practicable for the Marshal and the Legate to bring their royal charge as near to London as Lambeth for a few hours, if they found it convenient to do so as a means of saving time in communicating with Louis.

Mr. G. J. Turner ("Minority of Henry III," part I, *Trans. Roy. Hist. Soc.*, series II, vol. xviii. p. 288, note 3) says, "The treaty was in two parts, of which the text in the *Thesaurus* is the part executed by Louis." I do not understand on what grounds this inference is based, as the Daubais (or *Thesaurus*) text has no attestations, and the formulae employed in it are precisely the same as those in the Rymer—Pontaudemer text, which purports to be attested by the English party. Indeed, I cannot bring myself to believe that the Daubais text can possibly represent the form in which the treaty was "executed" at all. Save for the one clause which is peculiar to it, it is a mere summary, and a very imperfect one, of some—by no means all—of the conditions which the Rymer–Pontaudemer text sets forth in detail. My inference from a comparison of the two texts is that the Daubais text is a mere scribe's epitome of a third text, now lost, which probably was the true text of the treaty actually executed at Kingston on 12th September, and consisted of the substance of the preliminary draft (the Rymer–Pontaudemer text) *plus* the article about the Exchequer records.

## NOTE VI

### THE TENURE OF CROWN OFFICES DURING THE MINORITY

Mr. Turner ("Minority of Henry III," part I, pp. 270–276) has gone into this question with great care and in considerable detail. He sums up his conclusions about it in four passages. (1) "It is highly probable that the three great officials, the two justices" (*i.e.*, the chief Justiciars of England and Ireland) "and the Chancellor, claimed the right to continue in office till the King's minority had determined . . . Direct evidence of the claim is not forthcoming, but there are facts which point to it having been put forward" (p. 271). (2) "The sheriffs and castellans claimed to hold their bailiwicks throughout the King's minority" (p. 272). (3) "A dispute between Engelard de Cigogné and William de Warenne as to which of them was entitled to the shrievalty of Surrey shows that it was decided early in the reign that the sheriffs who had been appointed by King John claimed the right to continue in office until his successor attained his majority" (p. 274). (4) "It had been decided that John's sheriffs held office as of right during the minority" (p. 275).

Thus Mr. Turner—if I understand him rightly—regards the existence of this claim in the case of the great officers of state as merely a probable inference; but in the case of the sheriffs and castellans he regards not only the existence, but also the acknowledgment of the claim, as a fact, proved, so far as the sheriffs are concerned, by the case of the shrievalty of Surrey. That case is, briefly, as follows: Early in 1218 there were two rival claimants to the sheriffdom of Surrey; Engelard de Cigogné, who had been appointed to it by John in April, 1216, and William, Earl of Warren. The grounds of William's claim are unknown. The most obvious conjecture is that he had received a grant, or a promise, of the sheriffdom in the summer of 1217 as the price of his return to allegiance; but this is only a conjecture; his claim may have been based on some old prescriptive right—his proper territorial designation was Earl of Surrey—or on some grant or promise made to him by John; John may have granted or promised the sheriffdom to William, before William's defection from allegiance, on some special terms such as might justify William in arguing that on his "reversion" the promise was binding on John's successor. The case was under consideration for nine months, from 1st February till November, 1218; and at the latter date it was still undecided, but Engelard was promised that if the decision went against him, he should be compensated by a grant of land and an annuity from the Treasury. The decision is unrecorded; the end, however, was that William got the sheriffdom and Engelard the promised compensation (Turner, pt. I, pp. 274–5). Whether this was the result of a formal judgement given by the Council in favour of Earl William's claim, or of a compromise agreed upon between the two claimants and sanctioned by the Council, there is nothing to shew. On this case Mr. Turner comments: "The mere fact that the dispute between Engelard de Cigogné and William de Warenne arose, and was considered judicially by the Council, shews that it had been decided that John's sheriffs held office as of right during the minority. Otherwise the dispute would have been settled by the immediate appointment of one of the claimants or of a third person without any consideration by the Council" (pp. 275–276).

To me the evidence furnished by this case does not seem as conclusive as it apparently does to Mr. Turner. The fact that the Council did not settle the matter in the summary and arbitrary fashion in which, no doubt, a King of full age would have settled it, does not to my mind necessarily imply an acknowledgement of lack of competence so to settle it. Bearing in mind that we know neither the origin and grounds of the dispute nor the mode in which its final settlement was arrived at ;—bearing in mind also that the rival claimants were both of them men whose continued attachment to the King it was important not to endanger—I venture to think that the Council's dealing with the case may have been dictated chiefly, if not entirely, by motives of policy. Mr. Turner himself says, in the very next sentence after the one which I have quoted above, "There can be little doubt that Gualo and the Earl Marshal acted prudently in allowing the sheriffs to continue in office" (p. 276). Precisely ; and they would have acted very imprudently had they, without absolute necessity, given offence either to a servant of the Crown so faithful and so efficient as Engelard de Cigogné (who however, as we have just seen, did *not* "continue in office"), or to a magnate so powerful and so lately "reverted" as Earl William of Warren. To me it seems hardly safe to argue decisively from a case so isolated and so obscure.

As for the castellans, the custody of some of the King's castles habitually (though not necessarily) went with that of the shires in which they stood, but others were quite independent of the sheriffs. Mr. Turner in his second article (*Trans. Roy. Hist. Soc.*, 3rd ser., vol. I, p. 247) says with reference to a document of 1220 (or 1221) relating to Bristol castle : " Here we may see another recognition of the claim that the castellans who had been appointed by John had the right to remain in office during the King's minority." The only " other " instance given by him of anything that can be construed into recognition of such a claim on the part of a constable holding a royal castle independently (as distinguished from a sheriff holding, in conjunction with his sheriffdom, certain castles within his shire) is the case of Sauvey, which Geoffrey de Serland was on 17th December, 1216, ordered to deliver to William of Aumale, but with a proviso that if he were unwilling to do so, he should come in person, or send a trusty representative, to hear the royal commands concerning the matter (*Pat. Rolls*, vol. i. p. 13 ; Turner, pt. II, p. 236). This seems to indicate that, as Mr. Turner says (*l.c.*), "The Marshal evidently thought it prudent to give him [Geoffrey] a voice in the appointment of his successor" ; but it proves nothing as to any claim of right on Geoffrey's part having been recognized by the Marshal and his colleagues, or even put forth by Geoffrey himself. The Bristol document has in reality no bearing at all upon the point under consideration. It is a letter patent whereby, in December, 1220, or January, 1221 (see above, p. 175), the Justiciar and six other members of the royal Council became sureties for the King to Hugh de Vivonne, who was going to Poitou as seneschal of that country, that if Hugh should be recalled or should resign his office and return to England, " idem dominus noster rex restituet ei castrum Bristolliae sicut illud prius tenuit, vel assignabit

ei aliam wardam in custodia alicujus castri vel terrarum ad valentiam *custodiae praedicti castri Bristolliae et terrarum quam habuit de ballio domini regis Johannis et postmodum de ballio dicti domini nostri regis Henrici;* quam custodiam castri Bristolliae et terrarum eidem domino nostro regi Henrico liberavit quando iter arripuit versus Pictaviam" (*Pat. Rolls*, vol. i. pp. 306, 307). The sentence which I have italicized, construed literally, should of course mean that Hugh had originally received the custody of Bristol castle, and of certain lands, by a grant from John, and that this grant had been renewed by Henry. But whatever may have been the case with regard to the other lands here referred to, this was not the fact with regard to Bristol. Until 19th September, 1219, Hugh de Vivonne was merely lieutenant constable of Bristol castle for Savaric de Mauléon ; on that day he, acting in pursuance of Savaric's instructions and for Savaric (who had made up his mind not to return to England), surrendered it into the King's hand, and thereupon immediately received it back again to hold "quamdui nobis placuerit" as constable in his own person (*Pat. Rolls*, vol. i. p. 203).

I will not dispute that a claim to continuity of tenure was made, explicitly or implicitly, by some of the castellans, and that *in practice* they mostly succeeded in enforcing it ; but that it ever received formal "recognition" seems to me disproved by (*a*) the oath of the barons at Henry's second coronation, and (*b*) the Pope's letters on the subject of the royal castles.

(*a*) "From the annals of Dunstable we learn that on the morrow of the coronation (in 1220) the barons who were there present swore that they would resign their castles and wardships" (*castra et wardias suas*) "at the King's will, and would faithfully render accounts of their farms at the Exchequer" (Turner, pt. II, p. 239; see the original, from *Ann. Dunst.* a. 1220, above, p. 146, note 2). This oath—taken at a time (18th May, 1220) when it had not yet been settled whether Henry was to attain his majority at fourteen or at twenty-one, and when his actual age was twelve years and seven months—is clearly to be understood as a promise to yield up the castles of which they had custody, and render account for them, whenever they should in the King's name be called upon to do so, from that day forth, not merely after the King's coming of age. Mr. Turner understands it thus, for he comments upon the passage, "In all probability the chief object of these proceedings was to obtain the castles of Rockingham and Sauvey from the Count of Aumale" (pt. II, p. 240). (*b*) On 26th May, 1220, the Pope issued orders that all prelates holding royal castles should surrender them ; and on 28th May, that no man should be suffered to retain the custody of more than two royal castles at once (*Roy. Lett.*, vol. I, pp. 535, 121 ; cf. above, pp. 146, 147, and Turner, pt. II, p. 242). To me it appears that these letters are incompatible with any "recognition" by the Pope—who, be it remembered, was acknowledged by all parties as the legal overlord of England and the chief guardian of the King—of the doctrine of the castellans' right to continuity of tenure during the King's minority ; and that the oath taken after the coronation is equally incompatible with any such recognition on the part of the regents in England, or even with any general recognition of that doctrine among the castellans themselves.

With regard to the great officers of state, Mr. Turner's inference is based (pt. I, p. 271) on (1) the case of Geoffrey de Marsh, Justiciar in Ireland ; (2) that of Richard de Marsh, Chancellor of England ; (3) the parallel, or analogy, between the position of the great officers of the Crown and that of the lesser ones—" the sheriffs and castellans claimed to hold their bailiwicks throughout the King's minority, and the greater officers of state must have considered that they were entitled to the same privilege" (pt. I, 272). Of (1) I have given the whole story in my text, pp. 94, 95, 123–125, 174, 175, 217, 259. Of (2) Mr. Turner says : "Richard de Mareis, the Chancellor, seems to have grievously neglected his office, and to have left his duties to be performed by Ralph de Neville, the vice-chancellor. It is scarcely likely that he would have been permitted to enjoy the emoluments of his office while repudiating its burden, if he could have been removed" (pt. I, p. 272). The Chancellor's office, unlike that of the Justiciar or the sheriffs, was necessarily vacated by the death of the King, inasmuch as he held it (as Mr. Turner points out, pt. I, p. 271) not by letters patent but by virtue of the delivery of the King's seal into his hands, and every King had a new seal. The Chancellor appointed by John therefore, could not "claim the right to *continue* in office until the king's minority had determined" ; such continuity was impossible in an office conferred by the delivery of a symbol which changed with a change of sovereigns. He *may*, as a great minister of the Crown, have claimed a right to be re-appointed for the term of the King's minority. A formal re-appointment would not be possible in his case till the new great seal was made, and this was not till October, 1218 ; but there may have been an informal agreement by which he was left in possession of the functions and rights appertaining to the chancellorship throughout the two years during which the Marshal's seal was used instead of the King's, on the understanding that when this latter arrangement terminated he was to receive the new seal in the usual way. Such an agreement need not, however, imply any right of continuity in office. Richard de Marsh was not the only Chancellor who habitually left his duties to a deputy and yet was suffered to retain his title and his profits. As to (3), it would certainly appear that since justiciars, sheriffs, and castellans were all appointed in the same manner and on the same terms —by letters patent, to hold office during the King's pleasure—the greater officers must have been irremoveable during the minority, *if the lesser ones were acknowledged to be so.* For the reasons already given, this latter point seems to me not proven.

With regard to the castles a further question remains. Falkes de Bréauté in the "Complaint" which he addressed to the Pope in 1225, and which is preserved in the Barnwell Annals, speaking of the arrest of Peter de Maulay in 1221, says : "De qua captione non ante dictus nobilis evadere potuit quam ea castra quae sibi tam a domino Guala quam etiam a patre domini regis commissa fuerant restitueret, contra pristinum juramentum quod patri fecerat de non restituendis eisdem castris donec iste rex legitimae foret aetatis" (W. Cov., vol. II, p. 260). On this Mr. Turner (pt. I, p. 284) observes: "The castles, he says, were entrusted to Pierre as well by Guala as by King John. It would seem from this that although the castellans were not re-appointed on the King's death by letters patent under the seal of the Earl Marshal, their castles were formally delivered to them by Guala. The statement is confirmed by a letter dated May 10th, 1220, from Pandulph, who succeeded Guala as legate, to Ralph de Neville the vice-chancellor, in which he asks him to send the form under which Guala delivered castles to their wardens (Shirley, *Royal Letters*, i. 117)." Pandulf's words are these: "Item, formam sub qua dominus Gualo castra ad custodiendum tradebat nobis mittas, si ipsam habes, vel ab his qui sciunt diligenter inquiras, et quod inveneres nobis rescribas."

I venture to think that Mr. Turner's suggested interpretation of these two passages is a little overstrained. The words of Falkes need not imply any formal act of delivery posterior to the one whereby Peter had originally received the castles to hold for John. Falkes's "Complaint" is not a legal document, and we are neither obliged nor entitled to construe its phraseology as if it were such. If certain castles which John had committed to a certain man were left in that man's custody by Henry's guardians, they were practically committed or entrusted to him by the guardians as well as by John; and a reason why Falkes should bring Gualo's name into the matter, rather than the name of the Marshal, is not far to seek. Falkes's "Complaint" is a piece of special pleading addressed to a special person—the Pope—for the purpose of inducing him (as supreme guardian of his feudatary King Henry) to intervene in English affairs in behalf of the complainant Falkes himself; the case of Peter de Maulay being mentioned as an illustration of the ill-treatment which (according to Falkes) the leaders of the party now in power in England were meting out to faithful old servants of King John. In these circumstances it is perfectly natural that whatever sanction, whether explicit or tacit, was, at a time when these leaders were in a subordinate position, given by the highest authorities in the realm to Peter's retention of the castles in his keeping, should be described as having been given by the Legate. Nor need the words of Pandulf bear any more definite meaning. The letter in which they occur was misdated by Dr. Shirley; its true date is 10th May, 1219 (see Prof. Powicke in *Eng. Hist. Rev.*, vol. xxiii. p. 229), when Pandulf had been Legate about five months, and regent less than as many weeks. That he, at this time, supposed the castles to have been delivered to their wardens by Gualo is no proof that such was the fact. Moreover, the wording of his inquiry suggests that he had no very distinct idea of the thing about which he was inquiring; indeed, it almost suggests some uncertainty on his part whether what he asked for existed at all. I venture to think that—Ralf de Neville's answer being unfortunately lost—in this uncertainty the question still remains. It would be a very remarkable circumstance if Gualo, who so scrupulously refrained from all shew of intervention in the administration of civil affairs, went out of his way to take upon himself a function utterly alien from his natural sphere of action, and one which there could be no conceivable reason for associating with his office rather than with that of the lay regent. It would be equally remarkable that the castellans, if they considered themselves entitled to retain their wardenships without re-appointment by letters patent from the Governor of King and Kingdom, in the new sovereign's name, should have quietly submitted to re-appointment in a wholly unprecedented manner at the hands of a foreign ecclesiastic. And it is scarcely less remarkable that a proceeding so unusual, if it really took place, should have left no trace in the official records of the Kingdom and been passed over in silence by all the chroniclers of the time.

## NOTE VII

### THE PAPAL LETTERS OF 1223

The four papal letters summarized in p. 202 are to be found in the Red Book of the Exchequer, fol. 171. The letter which there stands first of the four—that to the Earls and barons of England—is printed in *Foedera*, I. i. p. 190 (with a marginal date, 1228, which does not agree with the date at the end of the letter itself). The salutation of all four is given in the Red Book as "Gregorius Papa," etc., and the date as "idus Aprilis anno primo," *i.e.*, 13th April, 1227. The fact that some instructions about Henry's coming of age, and about the castles, were issued by Honorius III in 1223 appears from at least three independent sources: the Dunstable Annals, Roger of Wendover, and the *Querimonia Falcasii*. For the precise wording of any portion of these instructions, and the date on which they (or a portion of them) were issued, the sole authority which has hitherto been recognized is a dateless letter preserved among the "bundles" in the Public Record Office, and printed by Shirley in *Roy. Lett.*, vol. i. pp. 430, 431. Its salutation runs "Sanctissimo patri . . G. Dei gratia summo pontifici, P. Wintoniensis et H. Elyensis divina miseratione episcopi"; *i.e.* it is a letter to Pope Gregory IX from Bishops Hugh of Ely who was consecrated in June, 1229, and Peter of Winchester who died in June, 1238. (Why Shirley dated this letter "June, 1232–April, 1234," I cannot guess.) These two prelates write: "Noverit sancta paternitas vestra nos mandatum piae recordationis Honorii praedecessoris vestri propriis manibus tractasse et oculis propriis inspexisse in haec verba: 'Honorius episcopus, servus servorum Dei, dilecto filio . . (Shirley left a blank for the name or initial; presumably it was undecipherable) 'Cycestrensi electo, carissimi in Christo filii nostri regis Anglorum vice-cancellario, salutem et apostolicam benedictionem.'" They then proceed to quote the whole letter; and it is absolutely identical with the fourth of the letters concerning Henry's majority, ascribed in the Red Book to Gregory, except that its date is "idus Aprilis, pontificatus nostri anno septimo," *i.e.*, 13th April, 1223. Long ago Dr. Stubbs remarked that "Curiously enough, the bull of Gregory IX to the same effect" [as the letters in which Honorius on 13th April, 1223, had "declared Henry, although not yet of age, competent to govern"] "is dated 13th April, 1227" (*Const. Hist.*, vol. ii. p. 34, note 2, 1875). A careful consideration of the subject has led me to the conviction that this "curious" correspondence of month and day is due to the fact that the words *idus Aprilis* are the only correct part of the date as given by the scribe of the Red Book, and that the four letters have been attributed by him to a wrong Pope, being in reality all alike letters of Honorius III, issued on 13th April, 1223.

These four letters obviously form a group whose members are so inseparably inter-related that they must stand or fall together. The chief member of this group is not the one which the Exchequer scribe has placed at its head (the one printed in *Foedera*), but that which he has placed second, and which is addressed to Peter des Roches, Hubert de Burgh, and William Brewer conjointly. It is these three men whom the Pope charges to give the young King free disposition of his realm; the addressees of the other three letters are merely bidden to perform the special duties which will fall to them severally as a consequence of this primary command, which the Pope in each case expressly tells them he is giving to Peter, Hubert, and William. We have seen that the fourth letter is textually identical with one which, according to Bishops Peter and Hugh, was written on 13th April, 1223, by Honorius to the vice-chancellor. This identity extends to the salutation (except of course as to the writer's name); in the Red Book version, as in that of the two bishops, the letter is addressed "Cycestrensi electo, vice-cancellario." Now, the only man who was at the same time "elect of Chichester and vice-chancellor" was Ralf de Neville (who was elected to Chichester early in 1223); and before the first year of Pope Gregory began, Ralf had ceased to be either the one or the other—he had become Bishop of Chichester and Chancellor. Thus the compiler of the portion of the Red Book in which these letters occur has luckily betrayed his own error. Probably he had, in the first draft of his notes, copied these letters from their originals in the Exchequer without putting the Pope's name or initial at their head, and when he came to re-copy his notes into the Red Book he—writing at a time when Henry's first coming of age was no longer a matter of practical importance and may well have been almost forgotten, knowing that Henry had been set free from the trammels of minority while still under age, and in the first year of Gregory IX, and failing to notice the chronological indication conveyed in the address *Cycestrensi electo vice-cancellario*—ascribed the letters to Gregory, and (as he doubtless imagined) corrected the year accordingly. The words which I have italicized are indeed not the only ones which shew that he was mistaken in so doing. The whole contents of all four letters fit in perfectly with the circumstances of 1223; but a considerable portion of those contents is quite inappropriate to the circumstances of 1227. At this latter date the controversy about the castles was a thing of the past.

In further confirmation of this view of the matter, we find Hubert, in his answers to a long indictment brought against him by the King in 1239, quoting, from four letters addressed (1) "Comitibus et baronibus," (2) and (3) "Comiti Cestriae" and "sub eisdem verbis Wintoniensi Episcopo," (4) "Cancellario," passages which all occur in the letters correspondingly addressed in the Red Book, and he describes all these quotations as taken from privileges of Pope Honorius. These answers were put into writing by Master Laurence of S. Alban's; Laurence's notes were preserved in a commonplace book of his abbey, and they figure among the miscellaneous collections of Matthew Paris as *Responsiones Magistri Laurentii de S. Albano pro comite Kantiae Huberto de Burgo* (*Chron. Maj.*, vol. vi. pp. 63–74). The answers in general have an appearance of honesty; but they were drawn up many years after the occurrence of some of the events to which they relate; and from this or some other cause the version given in them of the whole story of Henry's coming of age is extremely confused, and certainly inaccurate in some particulars, the events of 1227 and those of 1223 being inextricably mixed up together. Hubert's description of the Pope's letter about the great seal as addressed "*Cancellario*," however, presents no difficulty. The word may stand simply for "him who is Chancellor now," or the prefix *vice* may have been omitted by the scribe.

Of the letter in which Honorius bade the prelates enforce by ecclesiastical censure a general surrender of all the royal castles (above, p. 206), no actual copy is known; but there is no reason to question the accuracy of Roger of Wendover's report of its contents. That report is, I think, confirmed by the brief but significant statements of Falkes de Bréauté. In 1225 Falkes (probably with the help of Robert Passelewe, a well known man of law) drew up a "Complaint" addressed to the Pope and Cardinals about the recent proceedings in England against himself. This complaint is inserted in the Barnwell Annals under the heading *Querimonia Falcasii coram Domino Papa* (W. Cov., vol. ii pp. 259–272). It sets the whole political history of England during the years 1221–1224 in a light startlingly different from that in which the same history is treated by the chroniclers; and although its author certainly had good opportunity of knowing the truth about the matters of which he wrote, there are obvious reasons which make him a dangerous authority to rely upon implicitly. The fact, however, that the "Complaint" was addressed to Honorius furnishes some guarantee of the correctness of its statements so far as they relate to the action of Honorius himself. These statements are as follows:—

"Cum *a sede apostolica jussio processisset ut castra*, *ballia*, *et caetera quae sunt regis a cunctis tenentibus redderentur*, *adjuncta clausula* quod rex ipse jam adultus factus compelli non posset habere tutorem vel curatorem, nisi ad causam, invitus; dictus justiciarius et complices sui...

procuraverunt ut duo barones" etc. (here follows the story of Lacy and Musard and of Chester's rising, see above, pp. 203, 204). "Interim tamen. . . cum rex apud Northamptonam sollemnitatem Natalis sicut mos est celebrasset, effectum est. . . ut tam comes Cestriae quam alii supranominati ad regis curiam vocarentur. Quibus. . . in ipsius et archiepiscopi et quorundam episcoporum qui simul aderant presentia constitutis, *exhibitae fuerunt quaedam literae apostolicae in quibus continebatur ut esset domino regi restitutio rerum suarum facienda*" (pp. 261–262). In the first of the two passages which I have italicized the compulsory surrender of all royal castles etc. seems to be represented as the chief point dealt with in the papal mandate referred to, the King's majority being apparently treated merely as an adjunct; while in the second passage the former point is still further emphasized by the latter not being mentioned at all. I think we may gather from these two passages that the papal mandates which Falkes had in his mind were not those preserved in the Royal Letters and the Red Book, but those whose substance is preserved by Roger of Wendover. The Dunstable annalist says that Henry's *quasi*-majority was decided upon and proclaimed "by order of the Pope and assent of the barons," *i.e.*, the Pope's letter to Peter, Hubert, and William Brewer was published in a council at London, on the King's return from Wales (see above, p. 203, note 2). The Rolls shew that Henry reached London on 22nd October and remained there till 8th November (*Close Rolls*, vol. i. pp. 566 b, 567, 575 b, 576). As, however, it was not till 9th December that Henry began to attest his own letters, it seems that either the annalist's date must not be taken literally, or the proclamation remained inoperative for more than a month. I think it can be shewn that the latter was the case. The Rolls indicate that the affair of Walter de Lacy and Ralf Musard had taken place before 15th November (above, p. 204, note 2). Falkes says that after that affair Henry and Hubert went to Gloucester; the Rolls shew that they were at Gloucester 16–22nd November (*Close Rolls*, vol. i. pp. 575 b–576 b). Chester's attempt on the Tower must have been made during their absence from London. We know from the Rolls that they were there again from 28th November till 12th, perhaps till 19th December (*ib.* pp. 576 b–579); the rebels' appearance before them and the scene between Peter and Hubert must thus have taken place there between 28th November and 5th December, since, as we learn from Falkes (p. 261), the "truce" arranged immediately after it by Langton began on 6th December. It was only in this December council that "the papal letters which declared him (Henry) of age were acted upon" (Powicke, *Eng. Hist. Rev.*, vol. xxiii. p. 221), *i.e.*, that the King began to attest his own letters, and, probably, the great seal began to follow the King instead of being kept at the Exchequer (*ib.*, p. 224). Falkes, however, seems to imply that the papal command "ut castra, ballia, et caetera quae sunt regis a cunctis tenentibus redderentur" was known in England before the affair of Lacy and Musard took place. On the other hand he tells us that certain Apostolic letters "in quibus continebatur quod esset domino regi restitutio rerum suarum facienda" were "exhibited"—seemingly for the first time—at Christmas. To me all this seems to indicate that the letter to Peter, Hubert, and William and the letter to the prelates, had both reached the English court before the end of October; that the first was published then as the annalist says, but was not carried into immediate effect; that the second was published, as Roger implies, early in December, but that a number of barons—Falkes among them—not being present at its publication, had no *official* knowledge of it till it was "exhibited" to them at Christmas.

While the barons in general seem to have regarded Hubert as the instigator of the papal order for a compulsory surrender of castles, etc., Falkes, hostile though he is to the Justiciar, neither asserts nor hints at any thing of the kind. He says indeed nothing whatever as to any suspicions which he or others may have had concerning the origin of that order. Yet I cannot but think that he had a suspicion, and possibly not altogether an unlikely one. Both on personal and political grounds Falkes is bitter enough against Hubert; to him, Hubert is a personal enemy and also an enemy of the peace and prosperity of King and kingdom: but he is neither the sole nor the chief enemy. Throughout his "Complaint," even in reference to matters in which Hubert appears as the principal or the sole actor, Falkes speaks of "the Justiciar and his accomplices"; and the foremost of these "accomplices," according to Falkes's version of history, is the Archbishop of Canterbury. It is Stephen, not Hubert, who is the arch-enemy in the eyes of Falkes—the relentless persecutor of Falkes himself, the persistent sower of discord and plotter of mischief in the realm; one passage relating to him in the *Querimonia* reads almost like a paraphrase of the accusation said by the Dunstable annalist to have been flung, in a moment of fury, by Hubert at Peter des Roches (above, p. 207). The animus displayed by Falkes against Stephen is in fact so violent that we instinctively feel his narrative is not to be trusted *in details* where the Archbishop is concerned. Yet there is no intrinsic impossibility in its account of the formal surrender of the castles, in which Stephen is distinctly made to play the most prominent part (above, p. 210). We have seen the difficulties involved in supposing that the Pope's action was prompted by any person or party among the other councillors of the Crown. Can it have been prompted —on the broad ground of the interest of public order and stable government, irrespective of persons and parties—by the Archbishop of Canterbury?

## NOTE VIII

### THE ROYAL CASTLES IN 1223-1224

The entries in the Patent Roll concerning the changes which took place in the custody of royal castles from November, 1223, to March, 1224, have been collected by Dr. Shirley in Appendix ii. to his edition of *Royal*

*Letters*, vol. i. pp. 508–516. They are there given in the form and the order in which they appear on the Roll, and accompanied by some other entries which have no direct bearing on the general surrender and redistribution of castles after Christmas, 1223. The entries whose date is earlier than 29th December, 1223, have of course also no bearing upon that subject. A summary analysis, in chronological order, of those which do relate to it may therefore be useful to elucidate and check the statements in my text, pp. 210–212. My references are to the printed Patent Rolls of Henry III, vol. i.

From 30th December, 1223, to 13th March, 1224, (after which no further important changes seem to have taken place for some time) orders were issued for the transfer of the custody of thirty-three castles, viz: Shrewsbury, Bridgenorth, Lancaster, Kenilworth, Windsor, Odiham, Knaresborough, the Peak, Bolsover, Salisbury, Devizes, Corfe, Bristol, Sherborne, Lincoln, S. Briavel's, Oxford, Northampton, Hertford, Rochester, Norwich, Orford, Dover, Canterbury, Hereford, Winchester, Porchester, Southampton, Carisbrook, Christchurch, Plympton, Marlborough, Luggershall. On 30th December Earl Ranulf of Chester was bidden to deliver the castles of Shrewsbury and Bridgenorth, and the shires of Salop and Stafford, to Hugh le Despenser. In the custody of Lancaster castle, county, and honour Ranulf was to be superseded by Earl Ferrers. Kenilworth castle and the shires of Leicester and Warwick were transferred from William de Cantelupe to John Russell; Windsor and Odiham from Engelard de Cigogné to the Archbishop of Canterbury. Brian de Lisle was ordered to deliver Knaresborough to the Archbishop of York, the Peak and Bolsover to Robert of Lexington, who was however to receive the latter fortress not for himself, but to hand it over to William Brewer (*Pat. Rolls*, vol. i. p. 418). Earl William Longsword was to deliver the castle of Salisbury, and William Brewer that of Devizes, to the Bishop of Salisbury. Bristol castle was to pass from the Bishop of Norwich (Pandulf), Sherborne castle and the sheriffdom of Somerset from John Russell, to the Bishop of Bath; Lincoln castle from Stephen de Sedgrave to the bishop of the diocese (*ib.* p. 419. It is not quite clear whether at this time Stephen de Sedgrave was castellan of Lincoln in his own person, or as assistant to Nicolaa de Haye). Falkes de Bréauté was to deliver the castle and shire of Oxford to Richard de Rivers; those of Northampton to Ralf de Trubleville; and the castle of Hertford to William of Eynesford (*ib.* p. 418). The Justiciar was to deliver the castles of Rochester, Norwich, Orford, and Hereford, to their respective diocesan bishops, Dover and Canterbury to the Primate (*ib.* pp. 418–419). The supersession of John of Monmouth as custodian of S. Briavel's and of the Forest of Dene is expressly stated to be due to his voluntary resignation on the score of ill-health; on 4th January, 1224, the castle and Forest were committed momentarily to the Bishop of Hereford, to be by him delivered to Walter Asmoins, whom the King appointed warden of them under Ralf FitzNicholas (*ib.* pp. 419–420).

On 7th January, 1224, the Bishop of Winchester was ordered to deliver the castles of Winchester, Porchester, and Southampton, with the sheriffdom of Hampshire, to the Bishop of Salisbury. Within five days, however, Jocelyn was superseded in all these bailiwicks by the Earl of Salisbury. On 12th January Hertford castle was transferred from its newly appointed constable, William of Eynesford, to Stephen de Sedgrave (*ib.* p. 420), who again was on 23rd January superseded there by Richard de Argentine (*ib.* p. 425). An order was issued on 12th January for the transfer of Windsor and Odiham to Hubert de Burgh, but seems to have been cancelled, for on 4th February these two castles were still in the hands to which they had been committed on 30th December—those of the Primate, who was now bidden to deliver them to Osbert Giffard (*ib.* pp. 420, 421). On 2nd February Falkes was ordered to deliver Carisbrook and Christchurch to Waleran the German ("le Theys") to whom the King had given them in custody together with the lands of the late Earl Willam of Devon and the castle of Plympton (*ib.* p. 427). On 7th February the Bishop of Norwich was ordered to deliver Marlborough castle to Robert Wolf ("Lupus"; *ib.* p. 426). On 2nd March another new constable was appointed to Marlborough, Robert de Meisy, who was at the same time made constable of Luggershall; whether John Little, who was ordered to deliver these two fortresses to Meisy (*ib.* p. 428), was sub-warden of them for the recently appointed Wolf or for Pandulf, does not appear. On 11th March Robert de Lexington was bidden to deliver Bolsover to William Brewer (*ib.* p. 429), for whom he had received it in January. On 13th March Pandulf was desired to deliver Bristol "without delay" to Reginald de Hurle and John Little (*ib.*). Lastly, on the same day, Plympton, of which Waleran "le Theys" had been appointed custodian six weeks before, was committed to Walter de Falkenberg (*ib.* p. 430). This appointment, like that of Waleran, proved ineffectual, owing to the resistance of Falkes. Falkes had on 18th January been ordered to deliver the shires of Bedford and Buckingham to William de Pateshull, and those of Cambridge and Huntingdon to Richard de Argentine (*Close Rolls*, vol. 1. p. 581 b; cf. *Pat. Rolls*, vol. 1. p. 421); the two latter shires were immeditely transferred again, to Geoffrey de Heathfield (*Pat. Rolls*, *l.c.*).

## NOTE IX

### FALKES AND THE "THIRTY PAIRS OF LETTERS."

The number of illegal disseisins of which Falkes was convicted at Dunstable in June, 1224 (above, p. 231), is officially stated as sixteen: "Cum. . . Falcatius. . . coram judicibus eisdem in sexdecim causis fuisset convictus. . . et ad restitutionem ablatorum et satisfactionem plenam debito modo condemnatus," are the words of King Henry himself in a letter to the Pope (*Roy. Lett.*, vol. i. p. 225). Roger of Wendover (vol. iv. p. 94) says "Cecidit in misericordia regis de plusquam triginta paribus litterarum, de quibus singulis in centum libris debuerat condemnari." Matthew Paris (*Chron. Maj.*, vol. iii. p. 84, *Hist. Angl.*, vol. ii. p. 263) copies this; and in an original paragraph of his own, inserted at the end of Roger's account of the Bedford affair, he says that Falkes "xxxii liberos homines in manerio de Luituna sine judicio de suis tenementis disseisiavit" (*Chron. Maj.*, vol. iii. p. 88). The Dunstable annalist (p. 90) says "Falchasius de triginta quinque saisinis convictus est." Of course the evidence of the King's letter is decisive. Roger's odd phrase, "de plusquam triginta *paribus litterarum*," reveals how the number came to be doubled. At some date obviously earlier (probably not less, possibly much more, than six months earlier, since the complaint of the earls is addressed to the Justiciar, not the King) than this Dunstable affair, the Earls of Salisbury and Pembroke, writing to Hubert about Falkes's outrageous conduct towards John Marshal, reported "quod dominus Johannes Marescallus nobis per literas suas mandavit quod, cum misisset literas domini regis domino Falcasio de Brealte pro bosco suo. . . idem Falkasius ad literas domini regis respondit quod si ei misisset triginta paria literarum domini regis, pacem utique non haberet de praedicto bosco," etc. (*Roy. Lett.*, vol. i. pp. 221, 222). This story of Falkes's declaration, uttered in a moment of anger, that "*if* thirty pairs of royal letters should be sent to him" in behalf of one particular person, he would pay no heed to them, seemingly became confused, before it reached S. Alban's and Dunstable, with a wholly different matter, and the "thirty pairs of letters" were supposed to have been actually sent, as the consequence of his conviction before Henry de Braybroke of the same number of disseisins; Roger or his informant inserted a "plusquam" on the strength of which Matthew raised the number to thirty-two; while the Dunstable annalist further improved it to thirty-five.

## NOTE X

### BEDFORD CASTLE

The nature of Falkes's tenure of Bedford castle is a question of some difficulty. The only entry relating to it in the Rolls is provokingly laconic: "Mandatum est Waltero de Bellocampo quod habere faciat Falkesio de Breaute manerium de Seldelegia quod est de honore de Bedefordia, quia dominus rex castrum de Bedefordia cum toto honore et pertinentiis dedit Falkesio," *Close Rolls*, vol. i. p. 250 b, 4th March, 1216. In July, 1224, King Henry, writing to the Pope about Falkes, calls Bedford "quoddam castrum nostrum quod habebat in custodia" (*Roy. Lett.*, vol. i. pp. 225, 226). So too the Waverley annalist (a. 1224):—"castellum de Bedford quod ab eodem rege [Johanne] in custodiam acceperat." One of the complaints brought against Hubert in 1239 in connexion with the Bedford affair was that on the capture of the castle he "illud prosterni fecit et reddi Willelmo de Bellocampo, super quem dominus J. rex castrum illud ceperat per guerram, et unde J. rex seisitus fuit quando obiit." To this Hubert answered that "per consilium magnatum Angliae fuit castrum obsessum, captum, et dirutum . . . et quia idem Willelmus semper erat petens versus dictum Falconem dictum castrum ut jus suum, nec habere potuit donec fuit captum per dominum regem; idem dominus rex de consilio magnatum suorum, propter formam pacis factae et prae timore sententiae latae" (*i.e.* the promise of general amnesty and restitution included in the treaty of Kingston, and the excommunication pronounced against infractors) "dictam sedem castri ei reddidit, tenendum eodem modo quo antecessores sui tenuerunt, prout patet in rotulis domini regis." (*Respons.* pp. 67–69; cf *Close Rolls*, vol. 1. p. 632). The Barnwell annalist (W. Cov., vol. ii. p. 253) says the castle "de jure spectabat ad Willelmum de Bello Campo"; and Ralf of Coggeshall (pp. 205, 206), says "Rex Johannes . . . contulit etiam ei [*i.e.* Falconi] terram Willelmi de Bellocampo, qui enim cum aliis baronibus contra regem conspiraverat. Dedit insuper ei castellum de Bedeford pro servitio suo, et charta sua confirmavit . . . Cumque caeteri barones custodias suas regi, ut dictum est, tradidissent" (after Christmas, 1223), "Falco etiam custodias suas regi similiter tradidit; sed castellum de Bedeford nullo modo regi aut Willelmo de Bellocampo tradere voluit, asserens illud suum esse proprium, et a rege Johanne sibi fuisse donatum, et charta sua fore confirmatum pro tam laborioso et diutino servitio suo." Falkes in his Complaint to the Pope twice speaks of Bedford castle as his own property: "privilegio vestrae sedis per quae . . . *tam castrum quam caetera bona nostra*" (*mea* in another MS.) "sub protectione benignitatis vestrae fuerant constituta," p. 264; "amissio *castri mei*," p. 272; and the Pope, writing to the King on 17th August, 1224, says "castrum de Betford quod ipse pater tuus eidem [Falchesio] . . . sicut dicitur, liberalitate regia, immo merita retributione donavit," *Roy. Lett.*, vol. i. p. 544.

To understand these various statements we have first to determine what was the relation between the honour of Bedford and the castle of Bedford. The former had been given by William Rufus to Payne de Beauchamp, and on land which formed part of it Payne built the castle. Payne's heirs were deprived of their patrimony by Stephen. After the conclusion of the civil war they recovered their lands (Dugdale, *Baronage*, vol. i. p. 223), but not the castle, for in the Pipe Roll of 34 Hen. II (1187–1188) the accounts of the sheriff of Bedfordshire include an item of four pounds and six shillings spent "in the works of the castle of Bedford and of the postern towards the water" (Goddard, *Siege of Bedford*, p. 17, from *Bedfordshire Archæological Transactions*, vol. xii. p. 249), a fact which shews that the castle was then the property of the King. In 1189–1190 Simon de Beauchamp paid into the Treasury one hundred pounds, "to be governor of the castle of Bedford" (Dugdale, *l.c.*, from Pipe Roll 2 Ric. I). These words clearly indicate that Simon was to hold the castle not in fee, but as its constable for the Crown. The bargain between him and King Richard may have included some understanding that the constableship was to be hereditary (somewhat as another branch of the Beauchamp family were hereditary constables of Worcester castle and sheriffs of Worcestershire), for Simon was succeeded in it by his son William ; it was by entertaining the rebel barons in Bedford castle that William incurred forfeiture in 1215 (R. Wend., vol. iii. p. 299). It is clear that the seisin of Bedford castle was then, and had been for many years past, in the Crown ; John would therefore be perfectly within his rights if in 1216 he chose to alienate the castle altogether by granting it to Falkes in fee. But the treaty of Kingston enacted that all men should be reinstated in their rights (as well as their lands) as they had held them when the war between John and the barons began. This definition would apparently entitle William de Beauchamp to claim restitution of the constableship of Bedford castle, if that office had been recognized by Richard and John as hereditary. Beauchamp "came in" to King Henry in August, 1217, and orders were at once given for the restoration of some of his lands (*Close Rolls*, vol. i. p. 319 b) ; of the rest, including those in Bedfordshire, he was granted restitution early in October (*ib.* pp. 325 b, 326). Falkes, however, was slow to loose his hold upon the honour of Bedford, and further royal letters bidding him give Beauchamp full seisin of it were issued in February, 1222 (*ib.* p. 488 b.). Neither in these letters nor in those of 1217 is there any mention of the castle.

Ralf of Coggeshall's story is not self-consistent. He begins by stating, as a positive fact, that John had given Bedford castle to Falkes by charter. Afterwards, however, this fact dwindles down to an assertion reported to have been made by Falkes in answer to a demand in 1223–1224 for restitution of the castle either to the King or to Beauchamp. No charter such as is here mentioned appears in the Charter Rolls of John's reign. This of course does not prove that no such charter ever existed ; nor does the fact that the Patent and Close Rolls of Henry's reign contain no hint of Falkes's having ever, before the capture of Henry de Braybroke, been summoned to deliver up the castle, prove that no such summons was ever issued. The words of Falkes himself and those of the Pope—these latter being of course based on information derived from Falkes or his friends—imply that he claimed to hold the castle in fee. But even if this claim was really based on a charter, it could scarcely have availed to bar the claim of the King ; for by the treaty of Kingston the Crown as well as its subjects, was to regain whatever it had been seised of before the war, and it had certainly been seised of Bedford castle from the time of Henry II till the autumn of 1215 ; it seems therefore that Henry might have considered himself entitled to treat a charter granted by his father after that date as null and void, and thus to call Bedford *castrum nostrum.* With regard to its custody as a royal castle, the law of the matter may very likely have been quite uncertain. It may have been at least arguable that the definition laid down in the treaty did not necessarily cover the custody of a royal castle even if held by hereditary right ; and it must be remembered that we do not know what was the precise nature of the tenure by which Beauchamp had held that office. The Barnwell writer, however, certainly appears to have gone too far in stating that the castle itself "de jure spectabat ad Willelmum de Bello Campo." It had belonged to William's ancestors; but William's father had practically renounced all claim to its ownership by fining with King Richard for the office of its constable. William's right in it was at the utmost only an hereditary title to that office. Whether John did grant the castle to Falkes in fee, or whether he died seised of it himself (as Hubert said)—having given merely the custody of it, as well as the enjoyment of the honour of Bedford, to Falkes *quamdiu regi placuerit*—we cannot determine. From Henry's accession till autumn, 1223, any question which might exist on the subject between Falkes and the Crown was of little practical consequence. It was recognized on all hands that throughout that period whatever castles Falkes held, whether as constable or as lord, he held loyally for the King and used for the King's interest with a rare capability and diligence. Henry's counsellors might well prefer to leave this particular detail of the great castle-problem undiscussed *usque ad aetatem regis*. Still more natural was it that Beauchamp's claim should get no hearing till Falkes had incurred forfeiture in his turn. Then King and Council decided that it would be prudent to satisfy Beauchamp without giving him a chance of treading in Falkes's steps or repeating his own act of 1215; and they did so by pulling the half ruined castle down altogether and granting him the site, with leave to build himself *not* a castle, but a dwelling-house, out of its stones (*Close Rolls*, vol. i. p. 632, 632 b).

## NOTE XI

### THE HANGING OF THE BEDFORD GARRISON

Eight writers tell this grim story very briefly—seven of them in almost identical words—differing only as to the number of the victims. A ninth—Falkes—has a longer and more elaborate version.

(1) "In crastino autem, cum omnes vulnerati et plagis lethiferis afflicti exiissent et ad presentiam regis adducti fuissent, addicti sunt ad suspendium universi; suspensi sunt itaque, inter milites et servientes, qui propter superbiam suam quam regi ostenderant in obsidione jam finita non potuerunt misericordiam impetrare." Here, in the only two known MSS. of his history (Douce ccvii. and Cott. Otho B. v.), Roger of Wendover's sentence ends. Obviously it is incomplete, and was meant to have been completed by the addition of a number; but the omission appears to have been an oversight in the original text, for in neither of the extant copies is there any blank between "impetrare" and the first word of the next sentence, "Henricus." The addition "[viginti quatuor]" in the printed editions (Coxe, vol. iv. p. 98; Howlett, vol. ii. p. 281) is derived from Matthew Paris.

(2) Matthew Paris in his *Chronica Majora* (vol. iii. p. 87) copies Roger

exactly; but opposite "impetrare" he has written in one margin of his MS. "viginti quatuor," and in the other margin "dub. de numero" (*ib.*, note 1). In the *Historia Anglorum* (vol. ii. pp. 264, 265) he says: "Suspensi sunt itaque inter milites et servientes circiter xxiiii$^{or}$." In both works he adds: "Tamen, multiplicatis intercessoribus et intervenientibus quibusdam rationibus excusatoriis, pepercit rex tribus, qui tamen propter regis jusjurandum salvandum laqueati a terra suspensi sunt, sed non usque ad mortem."

(3) "Capto igitur castro, in Assumptione Beatae Virginis Mariae fere omnes in eo repertos, tam milites quam servientes, vita privavit sententia ignominiosa. Nam jussu regio circiter lxxx$^{a}$ in patibulis sunt suspensi." W. Cov., vol. ii. p. 254.

(4) "Mane vero sequenti, ante tribunal regis exhibiti, et per episcopos ab excommunicatione absoluti, ad mandatum regis et justitiarii sui suspensi sunt in patibulis octoginta et plures. Tres vero ad preces principum rex indulsit Templariis, ut in habito suo in Terra Sancta Domino militarent." *Ann. Dunst.*, p. 88.

(5) "Repertos in eodem castro, non considerata cujusquam generositate, usque ad octoginta duos et amplius digno condempnavit suspendio [rex].' *Contin. Gerv. Cant.*, vol. ii. p. 114.

(6) "In patibulis suspenduntur tam milites quam servientes, die Assumptionis Beatae Mariae Virginis, numero octoginta tres." R. Coggeshall, p. 207.

(7) "Omnes fere qui sponte ingressi in castello inventi sunt suspensi sunt in patibulis, in die videlicet Assumptionis Beatae Mariae, homines circiter octoginta." *Ann. Wav.*, a. 1224.

(8) "Suspensi sunt xiv milites." T. Wykes, a. 1220.

(9) "Milites in manu domini regis et misericordia archiepiscopi et episcoporum se devotissime offerentes, sub tutela ecclesiae sicut crucesignati, et quia sub appellationis ad vos" (the Pope) "factae credebant defendi subsidio, in exercitum de castro prodierunt. Quibus in die Assumptionis dato cum ignominio absolutionis beneficio, idem Archiepiscopus cum episcopis Hugoni Lincolniensi, Jocelino Batoniensi et Radulfo Cicestrensi ad regem ingressus est . . . ipsius regis adolescentiam ad indebitam provocans iracundiam, talia verba profudit: 'Nos quidem ut nos decuit rigorem sumus ecclesiasticam executi; jam restat regem facere quod suum est.' Cumque ad haec verba regis obstupesceret innocentia, et quaereret quid ad majestatem regiam pertineret, rursus idem archiepiscopus, non pater patriae sed tyrannus, 'Justitiarium,' inquit, 'hujus dicti oportet esse interpretem, quia quid ad vos pertineat edocebit.' Ne autem pro nihilo dictis comitatus esset episcopis, unus ex eis, videlicet Batoniensis, dixit: 'Si suspensi fuissent qui capti fuerunt apud Biham, isti qui nunc capti sunt nullatenus castrum adversus nutum regium tenuissent.' Postea vero apud regem altercatione suborta an exspectandi essent barones regni pro judicio faciendo, singuli qui aderant causa prandii ad propria tentoria secesserunt; ipsaque hora prandii milites, servientes, juvenes, cujuscunque conditionis quantaeque nobilitatis, ad numerum nonaginta vii, tam archi-

episcopo quam dictis episcopis inspicientibus, in dedecus militiae et perpetuum regis opprobrium sunt suspensi. . . . Clamore autem tantae crudelitatis audito, aliqui de mensis propriis occurrentes de furcis et patibulis aliquos liberaverunt, qui tamen sub custodia adhuc detinentur." *Quer. Falc.*, pp. 267, 268.

Now, Falkes certainly did not witness the scenes which he here describes. They may have been reported to him by a member of the Council; but we have no guarantee for the reporter's truthfulness or accuracy, or even for the report having originated elsewhere than in Falkes's own brain—a brain which, keen as it was in other respects, really seems to have been, from some cause which we cannot fathom, hardly sane on matters in which Stephen de Langton was concerned. The narrative clearly conveys, and is clearly meant to convey, that it was Stephen who instigated the hanging of the garrison; that he did so in veiled language which the young King's "innocence" at first failed to understand; that Stephen cast the responsibility of explaining it on the Justiciar (whom, it will be remembered, Falkes has all along represented as being hand and glove with the Archbishop); that before even the justiciar could speak, its meaning was made plain by one of three bishops whom the Primate had brought with him into the King's presence for that very purpose; that the laymen of the Council, less bloodthirsty than the Primate, hesitated to adopt his suggestion and put off the decision till after dinner; and that while all the barons were occupied with that meal, the deed was done behind their backs (of course under orders issued by the Justiciar in the King's name), Stephen and his three episcopal friends feasting their eyes on the sight. We should certainly require some other authority than Falkes to make us accept this story as he would have his readers accept it. But the main incidents of the story may be true, and only their meaning perverted by the narrator; the outlines of the picture may be correct, and only the colouring false. The Bedford garrison had submitted to the King; they were therefore entitled to be, after doing penance in the usual form, absolved from the excommunication which had been pronounced against them for resisting him. But they had submitted only on compulsion; therefore they were, by the law of the land, still liable to the extreme penalty due to men who were taken fighting against the person of their sovereign. The duty of the prelates towards these prisoners was to enforce their penance and then give them absolution; this the prelates had done; and therewith their part in the Council's action was at an end. The temporal fate of the prisoners was a question of life or death, and in such questions, it is well known, ecclesiastics had no voice. In a case such as the present one, it was for the King's lay counsellors to advise him, and for the King to decide; and if, owing to a divergence of opinions among those counsellors or from any other cause, the young sovereign thus called upon to exercise for the first time such a weighty prerogative felt doubtful of its extent or of the right direction in which to exercise it, the Justiciar was the person to whom he should look for guidance. This, and nothing more, is the plain and natural meaning of the words which Falkes places in the mouth of the Primate.

In themselves they afford no ground for the interpretation which he evidently wished his readers to put upon them. Some of the barons were still, it seems, leniently disposed towards Falkes; many of them may have been reluctant to send brave soldiers to the gallows; if so, the execution may have been carried out somewhat as Falkes states. His account of the rescue of "some who are still"—*i.e.*, some nine months later—"detained in custody" is easily reconciled with the story told by Matthew Paris and the Dunstable annalist of the three who were given to the Templars. The touch about the four prelates gloating over the ghastly scene may be set down to a fevered imagination.

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